

CITY OF CHARLEVOIX



WATERFRONT AREAS MANAGEMENT AND CITY MASTER PLAN

NOVEMBER 1982

VOLUME II MANAGEMENT AND IMPLEMENTATION STRATEGIES

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LD F. NINO & ASSOCIATES
ON, MICHIGAN
SMITH & ASSOCIATES, INC.
GRAND RAPIDS, MICHIGAN

WATERFRONT AREAS MANAGEMENT
AND CITY MASTER PLAN
NOVEMBER 1982

VOLUME II
MANAGEMENT AND
IMPELMENTATION
STRATEGIES

RONALD F. NINO & ASSOCIATES
BURTON, MICHIGAN
M.C. SMITH & ASSOCIATES, INC.,
EAST GRAND RAPIDS, MICHIGAN

PLAN PREPARED WITH THE ASSISTANCE OF
THE MICHIGAN COASTAL MANAGEMENT PROGRAM
ADMINISTERED BY THE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
LAND RESOURCES PROGRAM DIVISION
IN COOPERATION WITH
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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MANAGEMENT AND IMPLEMENTATION STRATEGIES

INTRODUCTION

Previous planning studies led to the culmination of a major effort to determine how the land resources of the City of Charlevoix ought to be used. The product of this planning phase was a document titled "The Waterfront Areas Management and City Master Plan". The document details a comprehensive strategy to direct and encourage the use of land in a manner that will fulfill quality of life goals and generally make the City of Charlevoix a better place to live and work in.

However, to fulfill the objectives of this Plan, the cooperation of all property owners and the City government will be required. It is important that the City of Charlevoix devise appropriate regulatory tools and sets up institutional or other administrative agencies to implement the Plan. The purpose of this document is to identify those things that should be done to implement the Waterfront Areas Management and City Master Plan. This report will identify appropriate legislative action that should be taken by the City Council. This legislative action will result in establishing administrative mechanisms that will be used for Plan implementation. These will include: establishment of authorities or staff positions, appropriate environmental codes, administrative guidelines and procedures, and a financing strategy intended to guide public investment decisions.

The first part of this report is intended to cover the subject matter of institutional and administrative type authorities and functions and development guidelines, while the second part of the report will focus on financial tasks and public improvement programs.

INSTITUTIONAL AND ADMINISTRATIVE ACTIONS

Introduction

Institutional and administrative actions will include a discussion of the appropriate steps the City should take, or has taken, to implement the Waterfront Areas Management and City Master Plan. This is particularly relevant because the level of planning detail included in the Plan demands active participation by the local government in the execution of development concepts. The Plan is therefore based on an expected commitment from both the public and private sectors. These combined efforts will result in dramatically changing the physical appearance of the certain areas and improvement of the quality of existing areas.

Design standards are intended to serve as guidelines to commercial, industrial and residential property owners on the most appropriate way of

dealing with their property. In several areas, particularly in the Downtown area, architectural site master plans were prepared as a guide to both private property owners and to development authorities that may be established to carry out the Plan. Where new construction is proposed, design standards are aimed at bringing about architectural compatibility and design harmony. These standards have been carefully developed to permit relative freedom of design for commercial projects because no architectural theme per se is expected to be rigidly adhered to. Rather, a range of improvements are proposed to create an overall identity, which when coupled with public improvements, will create an attractive urban design setting.

Development Authorities

Under Michigan law, local units of government have the ability to establish development authorities whose specific charge is to encourage and assist private enterprise in the renewal of areas that may be underutilized and/or suffering from deterioration, or to carry out activities that encourage economic development.

The City of Charlevoix has already acted to establish a Downtown Development District and a Downtown Development Authority, hereinafter referred to as DDD and DDA, respectively. Had this action not been instituted, it would have been recommended at this juncture.

The statutory role of the City of Charlevoix Downtown Development Authority (DDA) is prescribed by Act 197, P.A. 1975. The Act prescribes certain powers and duties of a Downtown Development Authority. Specifically, the Authority is charged with preparing a development plan for the development area and for causing the plan to be implemented. The Authority, with the approval of the City Council, may borrow money and enter into tax increment financing schemes.

Up to this point in time the City of Charlevoix DDA has not been very active. Now that the Waterfront Areas Management and City Master Plan is completed, it is recommended that the DDA endorse the development plan described within said overall City Master Plan as a basis for determining its future course of action. It would be most appropriate for the DDA to initiate a more detailed plan of development for some phase of the downtown plan, so that an accurate financing plan can be developed.

At this particular point in time it may not be necessary to establish an Economic Development Corporation (EDC) to assist in the carrying out of private investment decisions in other parts of the City which are not within the DDD, due to the presence of the County EDC. On the other hand, should the City wish to become a developer itself, it may find it more expedient to create an Economic Development Corporation whose sole responsibility would be to actively encourage economic development activities within the City of Charlevoix.

Private Sector Improvements/Role Design Review Committee

No official role is granted to the DDA with respect to regulating private property improvements. It is recommended, however, that a sub-committee of the DDA be officially charged with the function of reviewing proposed private improvements and making a recommendation to the City of Charlevoix Planning Commission prior to any actions taken by the Planning Commission on any proposed site plan applications. The sub-committee of the DDA should be appropriately supplemented with persons of technical expertise who are not necessarily members of the DDA. To assure close cooperation with the Planning Commission, a member of the Planning Commission should serve on the DDA Design Review Committee. The following possible membership is suggested:

1. Three (3) members of the DDA.
2. Technical staff person representing the DDA.
3. One (1) member of the City of Charlevoix Planning Commission.
4. A professional architect (appointed by the DDA).
5. A professional landscape architect (appointed by the DDA).

Scope of the DDA Design Review Committee -- The DDA Design Review Committee should receive copies of all site plan applications submitted to the Planning Commission. The Design Review Committee should review the plans for consistency with the approved development plan in regards to on-site improvements, parking and exterior design. Because architectural type changes are not necessarily the subject of a site plan review, and will not come before the City Planning Commission, it is recommended that these be referred to the Design Review Committee directly by the Chief Enforcement Officer prior to the issuance of a building permit. The DDA Design Review Committee may be able to exercise review responsibilities for some on-site private improvements in the future as a consequence of administering an improvement loan fund.

The City of Charlevoix Downtown Development Authority Design Review Committee should be concerned with all aspects affecting exterior appearance, and in particular, with the following:

1. Material and colors to be used on buildings.
2. Design of show windows and entrance area, including choice of materials and types of security devices.
3. Design of signs, methods of illumination, materials and methods of suspension.
4. Improvements of all yard spaces and location of delivery signs.

5. All exterior materials and colors.
6. Design of awnings, shutters and upper floor windows.
7. Compatibility of new construction, as to scale, expression, color, materials, and methods.
8. Layout and construction of parking and loading areas.
9. Landscape design, materials and methods.
10. Proposed amendments to the zoning ordinance.

Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden, restricted or controlled by any other public law.

DEVELOPMENT GUIDELINES

Development guidelines mean regulatory land use standards that can be achieved, for the most part, by the imposition of appropriate zoning requirements. Where development standards are not amenable to inclusion in a zoning ordinance, and are administrative in nature, appropriate administrative guidelines will be suggested for use by the Planning Commission, or other authorities empowered to make decisions regarding the use of land resources in the City of Charlevoix.

Zoning Ordinance

The City of Charlevoix zoning ordinance was reviewed to determine if it was an appropriate legislative document, in its present form, to carry out the environmental, conservation and growth management strategies of the Waterfront Management and City Master Plan. It was concluded that extensive revisions were required and the magnitude of these revisions was such that it would be more effective to repeal the present zoning ordinance and adopt a new zoning ordinance. The objectives and development strategies in the Waterfront Management and City Master Plan simply call for a unique type of zoning response that is not now possible to achieve with the present ordinance. The following material, therefore, constitutes a proposed new zoning ordinance.

ZONING ORDINANCE
CITY OF CHARLEVOIX
CHARLEVOIX COUNTY, MICHIGAN

TITLE

AN ORDINANCE enacted under Act 207, Public Acts of 1921, as amended, providing for the establishment in cities and villages of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances or regulations; and to provide penalties for the violation of this act.

PREAMBLE

1. Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City, the City Council hereby has determined to regulate and restrict the use of land and structures; to meet the needs of the state's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide a city or village into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

2. The land development regulations and districts authorized under Act 207, Public Acts of 1921, as amended, are hereby made in accordance with a plan designed to promote and accomplish the objectives of said act. This plan is hereinafter referred to as the City Of Charlevoix Waterfront Areas Management and City Master Plan. Subsequent project plans developed by appropriate public development authorities are also included within the meaning of said act for the purposes of development regulations.

ENACTING CLAUSE

The City of Charlevoix Ordains:

ARTICLE 1

SHORT TITLE

SECTION 1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the City of Charlevoix Zoning Ordinance.

SECTION 1.02 INTENT AND PURPOSE

The intent of this ordinance is to implement the development strategies described in the Waterfront Areas Management and City Master Plan. The plan was formulated with the general purpose of guiding and accomplishing a coordinated and adjusted development of the City, which will in accordance with present and future needs, best promote efficiency and economy in the process of development, including among other things, adequate provision for traffic, safety from fire, and other dangers, adequate provision for light and air, the healthful and balanced distribution of housing and population, and the regulation of the density of population, the promotion of good development design and arrangement, and the wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. It is designed to lessen the congestion on public streets, to reduce undue hazards due to flooding, to conserve property values, to facilitate adequate provisions for public transportation, streets, highways, sewers, water mains, schools, recreation areas and other public facilities, as carefully analyzed and conceived by said Waterfront Areas Management and City Master Plan.

SECTION 1.03 CONSTRUCTION

This ordinance shall be liberally construed in such manner as to best effectuate its purpose and those of the Waterfront Areas Management and City Master Plan. In interpreting and applying the provisions of this ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. The provisions of this ordinance shall be compatible and consistent with each other, provided, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail.

ARTICLE 2

ZONING DISTRICTS AND MAPPING INTERPRETATION

SECTION 2.01 DISTRICTS ESTABLISHED

For the purpose of this ordinance, the City of Charlevoix is hereby divided into the following zoning districts:

Low Density Residential (LDR)

Medium Density Residential (MDR)

High Density Residential (HDR)

Local and Convenience Commercial (LCC)

Community and Regional Commercial (CRC)

Limited Industrial (LI)

General Industrial (GI)

SECTION 2.02 BOUNDARY INTERPRETATION

The boundaries of these districts are hereby established as shown on the Zoning District Map for the City of Charlevoix which accompanies this ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this ordinance as if fully described herein.

The Official Zoning District Map shall be identified by the signature of the Mayor, attested by the City Clerk under the following words: "This is to certify that this is the Official Zoning District Map referred to in Act 207 of the Public Acts of 1921, as amended." If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning District Map, such changes shall be made on the Official Zoning District Map within five (5) normal working days after the amendment has been approved by the City Council together with an entry on the Official Zoning District Map as follows: Date and an index number of Council action.

The original and one (1) copy of the Official Zoning District Map are to be maintained and kept up to date; one (1) copy in the office of the Chief Enforcement Officer and the original in the City Clerk's office; accessible to the public and shall be the final authority as to the current zoning status of lands in the City of Charlevoix.

The Zoning Map as established herein is further amended, effective on the date for each such amendment, as follows:

"Reserved for future map changes"

SECTION 2.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the City limits shall be construed as following said City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines/river banks shall be construed to follow such shore lines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 thru 5 above shall be so construed. Distances not specifically indicated on

the Official Zoning District Map shall be determined by the scale of the map or by reference to district boundaries shown on tax maps on file in the assessment office.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. Where the boundary line between zoning districts is unclear, those requirements of the most restrictive district shall determine the regulations applicable. In any event, the City shall maintain an up to date record of zoning district lines on tax maps on file in the assessment offices and these shall be construed to delineate the zoning district lines between different zoning districts and parcel specific zoning.

SECTION 2.04 ZONING UPON ANNEXATION

Whenever any area is annexed to the City of Charlevoix, one of the following conditions shall apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance which most closely conforms with the zoning that existed prior to annexation, such classification to be recommended, for an interim period, by the Planning Commission to the City Council and the Council to approve same by resolution. The Planning Commission shall recommend the appropriate zoning districts for such areas within four (4) months after the effective date of annexation.
2. Land not zoned prior to annexation shall be classified into whichever district of this ordinance most closely conforming with the existing use; such classification to be recommended, for an interim period, by the Planning Commission to the City Council and the Council to approve same by resolution. The Planning Commission shall recommend the appropriate zoning districts for such area within four (4) months after effective date of annexation.

SECTION 2.05 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the City of Charlevoix shall have been vacated by action of the City Council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action of the City Council, thence forth acquire and be subject to the same zoning

regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this ordinance for such adjoining lands.

SECTION 2.06 DISTRICT REQUIREMENTS

All buildings and uses in any District shall be subject to the provisions of Article 16, General Provisions, Article 13, Site Development Plan Review Provisions, Article 10, Schedule of Regulations, and Article 14, Off-Street Parking and Loading Regulations, except as modified for a zoning district.

ARTICLE 3

LOW DENSITY RESIDENTIAL
DISTRICT (LDR)

SECTION 3.01 STATEMENT OF PURPOSE

The basic purposes of the Low Density Residential District (LDR) are as follows:

1. To set aside areas of the City where the use of land is predominately for low density housing in accordance with the housing distribution strategy assignment for each management unit in the City, as described in the Master Plan.
2. Generally, although not exclusively, low density housing means single family detached housing units. Other forms of housing units are acceptable, provided the scale of the structure is compatible with single family detached housing units, or other unique geographic features are present, which features tend to replace the importance of factors of compatibility.
3. To encourage residential development at densities commensurate with the availability and capacity of public facilities.

SECTION 3.02 USES PERMITTED BY RIGHT

The following provisions apply in all Low Density Residential (LDR) Districts. In a Low Density Residential (LDR) District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure, except in accordance with the following provisions:

1. One family detached dwelling unit.
2. Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than ten (10) acres, except that in a residential district this shall not be construed to include an animal feedlot or establishments for the keeping or raising of farm animals, including a dairy herd. Generally, agriculture as used in this context, shall mean the growing of crops, vegetables or fruit.
3. Planned Unit Development, pursuant to Article 12.
4. Publicly owned and operated libraries, parks, parkways and recreational facilities.

5. Advertising and/or identification signs, pursuant to the City Sign Ordinance.
6. Accessory uses, subject to the provisions of Article 16, General Provision.

SECTION 3.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses shall be permitted by the Planning Commission, pursuant to Article 13, Site Development Plan Review Provisions, and subject further to the following provisions:

1. Two Family Dwelling Structure (i.e. duplex or semi-detached), subject to the following conditions:
 - a. As a function of plat approval, a proposed developer of land shall determine at the time of platting (i.e. subdividing) that certain lots in the proposed plat be set aside for two family occupancy. Each purchaser of a lot in the subdivision shall be provided with restrictive covenants attesting to the potential use of certain described lots for two family purposes.
 - b. The number of two family lots shall not exceed twenty-five percent (25%) of the total area of the plat or subdivision unless the plat or subdivision is located in an area designated for medium to high density housing on the Future Land Use Plan Map of the Waterfront Areas Management and City Master Plan.
 - c. The minimum lot area for said two family unit shall be twelve thousand (12,000) square feet, together with a minimum frontage of ninety(90) feet.
 - d. The conversion of existing single family dwelling units into two family dwelling units may be permitted by the Board of Zoning Appeals after a public hearing and a finding of fact that the conversion is unlikely to lead to neighborhood deterioration and the effect of the conversion will result in improving the overall quality of the existing dwelling unit. The Board of Zoning Appeals shall limit this action to areas of the City which are being impacted by adverse traffic conditions and non-residential land useage, and the effect of the conversion is to extend the residential life of the dwelling unit in question and preserve the quality of the adjacent residential subdivision. The Board of Zoning Appeals may also consider areas that are experiencing substantial housing deterioration and the effect of the conversion is to eliminate existing deterioration in the residential structure.

- e. The Planning Commission may take under advisement a site plan application for development of two family structures on a site involving the clearance of existing substantially deteriorated housing and allow the reuse of the site for said two family structure. The Planning Commission will give due consideration to the Housing Distribution Strategy recommended in the Housing Plan Section of the Waterfront Areas Management and City Master Plan prior to approving such applications.
2. Multiple attached Single Family Dwelling Units, Townhouses, Row Houses, and Multiple Attached Dwelling Units, all of which are accessed exteriorly, subject to the following provisions. The following provisions shall determine the suitability of any given site for a housing structure type as described in this subsection.
- a. For Owner Occupied Dwelling Units

Owner occupied multiple housing units (i.e. Condominiums) in structures described above, may be permitted in the Low Density Residential (LDR) District when ALL of the following conditions can be achieved:

 - (i) The area of the site is not less than two (2) acres.
 - (ii) The parcel or site fronts upon a public street classified as an urban collector or greater classification according to the Major Street Plan element of the Waterfront Areas Management and City Master Plan, except that the Planning Commission may vary this requirement when the Future Land Use Plan, Residential Section of said Plan designates the land for residential medium to high density purposes.
 - (iii) The allocation of housing units by structure type and percentage distribution for the management unit in which the project will be located is not exceeded, according to the Housing Plan element of the Waterfront Areas Management and City Master Plan.
 - (iv) The Planning Commission is satisfied that the building configuration, number of units within one building, and the number of units per acre is appropriate to the specific location. Generally, this shall be interpreted to mean a structure containing less than five (5) dwelling units. In this regard, the Planning Commission is empowered to determine the conditions that are acceptable as a precondition to approval. Under no circumstances shall the Planning Commission, however, vary the maximum density allowance for the Low Density Residential (LDR) District, except as provided in Article , Board of Zoning Appeals.

b. For Renter Occupied Dwelling Units

Renter occupied multiple housing units in structures described above, may be permitted in the Low Density Residential (LDR) District when ALL of the following conditions can be achieved:

- (i) The area of the site is not less than three (3) acres.
- (ii) The parcel fronts upon a public street classified as a principal or minor arterial site according to the Major Street Plan element of the Waterfront Areas Management and City Master Plan, and the depth of the parcel does not exceed six hundred (600) feet.
- (iii) The allocation of housing units by structure type and percentage distribution for the management unit in which the project will be located is not exceeded, according to the Housing Plan element of the Waterfront Areas Management and City Master Plan.
- (iv) Existing single family detached housing does not abut more than one-third the boundaries of the total site.
- (v) The development proposal will not result in the concentration of more than two hundred (200) owner or renter occupied dwelling units in multiple unit structures in a continuous and contiguous pattern.
- (vi) The Planning Commission is satisfied that the building configuration, number of units within one building and the number of units per acre is appropriate to the specific location. Generally, this shall be interpreted to mean a structure containing less than five (5) dwelling units. In this regard, the Planning Commission is empowered to determine the conditions that are acceptable as a pre-condition to approval.

3. Churches and other facilities normally incidental thereto, subject to the following conditions:

- a. Unless established prior to the enactment of this zoning ordinance, a church site shall contain an area of at least three (3) acres.
- b. The site shall be so located as to have at least one (1) property line abutting a road designated as a collector street or greater classification on the Major Street Plan element of the Waterfront Areas

Management and City Master Plan. All ingress and egress to the site shall be directly onto said major thoroughfare.

- c. Whenever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than four feet six inches (4'6") in height or other screening as approved by the Planning Commission shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of Article 16, General Provisions.
4. Public, parochial and other private elementary, intermediate schools, and/or high schools offering courses in general education. Sites for such schools shall be fenced and screened from any adjoining lot which is zoned residential. Said fencing or screening shall be constructed in one of the alternative techniques provided in Article 16, General Provisions. Commercial trade schools may not be located in any residential district.
5. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
6. Nursery schools; day nurseries and child care centers (not including dormitories); provided that each child so cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. The aforementioned uses shall not be permitted in the interior of any block, unless they are located adjacent to multiple family type housing or non-residential land use, although such facilities may occupy a corner lot.
7. Non-profit swimming pool clubs consisting of members residing within the immediate area of the swimming pool or from a membership who are owners of lots within the recorded subdivision in which the pool is situated. Said subdivision may have been recorded in stages and subdivision in this sense shall consist of the various stages of development. Said pool shall be for the exclusive use of the membership as conditioned above and their guests, all subject to the following conditions:
 - a. As a condition of the original granting of such a permit and the operation of such non-profit swimming pool club, the intent to develop a swimming pool facility shall have

been advertised in the development promotion of the subdivision so that all purchasers of lands in the subdivision have been adequately put on notice as to the location of the pool. Prior to the granting of a conditional use, information shall be furnished to the Planning Commission showing that the location of the pool and the organization of the swimming pool club was in fact public knowledge to those owners of lands in the subdivision in question.

- b. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting an urban collector or greater classification as defined on the Major Street Plan in the Waterfront Areas Management and City Master Plan, and the site shall be so planned so as to provide ingress and egress directly onto or from said urban collector or greater classification. The Planning Commission may vary this requirement when in its opinion a site not on a major street is so located that it will not have an adverse effect on nearby future or existing residences.
- c. Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential district, where they may not be less than ten (10) feet, and shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
- d. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- e. When the parking plan is so laid out as to beam automobile headlights towards any residential land, a wall at least four feet six inches (4'6") shall be provided along that entire side of the parking area, and said wall shall further be subject to the requirements of Article 16, General Provisions.
- f. When a swimming pool is constructed under this section of the ordinance, said pool area shall be provided with a protective fence, five (5) feet in height, and entry shall be provided by means of a controlled gate.
- g. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members or as otherwise required. Prior to the approval of a

conditional use, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements.

- h. It can be determined that there is adequate provision and capacity for storm sewers, sanitary sewers and other essential public utilities.
- 8. Private Recreational Areas: institutional or community recreation centers, subject to the following conditions:
 - a. Provided that provision for the land or buildings shall have been identified in the original platting of the land, so that all subsequent lot purchasers were duly placed on notice. Prior to the issuance of a special land use approval, the Planning Commission shall within thirty (30) days determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the recorded plat, otherwise the Planning Commission will give due consideration to the concerns of area residents.
 - b. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting an urban minor arterial street, as defined in the Major Street Plan in the Transportation section of the Waterfront Areas Management and City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare. The Planning Commission may vary this requirement when in its opinion the type of facility located on a site not on a major street is so located that it will not have an adverse effect on nearby existing and future residences.
 - c. Front, side and rear yards shall be at least eighty(80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - d. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements, in those instances where it is specifically determined that the users will originate from adjacent areas, and will therefore, be pedestrians. Prior to the approval

of a special land use, by-laws of the organization shall be provided to determine the membership involved for computing off-street parking requirements. In those cases where the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of anticipated useage.

9. Golf Courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be planned so as to provide all ingress and egress directly onto or from an urban minor arterial street as defined in the Major Street Plan section of the Waterfront Areas Management and City Master Plan.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, and parking area which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be located not less than two hundred (200) feet from any property line of abutting residentially-zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - d. A golf course shall require a minimum area of eighty (80) acres.
 - e. The minimum number of off-street parking spaces to be provided, shall be six (6) spaces per hole plus one (1) space per employee plus spaces as required under Article 14, Off Street Parking and Loading Regulations, for other incidental and accessory uses.
 - f. When a swimming pool is included in the project, said pool shall be provided with a protective fence five (5) feet in height, and entry shall be by means of a controlled gate.
10. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All ingress and egress from said site shall be directly onto a major thoroughfare which is classified urban minor arterial or greater classification as described in the Major Street Plan element of the Waterfront Areas Management and City Master Plan.
 - c. No buildings or other use of land, except landscaped passive areas, shall be situated within one hundred (100) feet of any private residence which is not a part of the required side area for said permitted uses.
11. Hospitals, provided the following conditions are met:
- a. All such hospitals shall be developed on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one (1) property line abutting a major thoroughfare which is classified urban minor arterial or greater classification as described in the Major Street Plan element of the Waterfront Areas Management and City Master Plan. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities shall be directly from said major thoroughfare.
 - c. In the event one (1) or more boundaries of the proposed site lies opposite or contiguous a residential property, the minimum distance between any hospital structure or accessory use and the residential property boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) feet setback an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back a further distance of one foot for each foot of height above the second story, regardless of the zoning district in which it is situated.
 - e. The minimum distance from any non-residential interior lot line shall not be less than twenty-five (25) feet.

- f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Article 16, General Provisions. Ingress and egress to the site shall be directly from a major thoroughfare which is classified urban minor arterial or greater as described in the Major Street Plan element of the Waterfront Areas Management and City Master Plan.
- 12. Convalescent and/or Nursing Home, not to exceed a height of two (2) stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses.
 - b. No building shall be closer than forty (40) feet from any property line and any use permitted herein may not be located in the interior of any block unless it is situated next to multiple family type housing or non-residential land use.
- 13. State Licensed Residential Care Facility, Adult or Children. A state licensed residential care facility pursuant to the requirements of State law, namely Acts No. 397 and 398 of the Public Acts of 1976, provided further that:
 - a. The facility is within the meaning and intent of residential care facilities as defined by Act No. 287 of the Public Acts of 1972 which provides resident services for six (6) or less persons under twenty-four (24) hour supervision.
 - b. No licensed facility shall be located within a fifteen hundred (1,500) foot radius of an existing licensed facility.
- 14. Home Occupations, subject to the provisions of Article , Definitions, Section .

SECTION 3.04 RELATIONSHIP TO HOUSING DISTRIBUTION STRATEGY

Unless otherwise provided, all dwelling units in structures containing three (3) or more attached housing units shall be evaluated by the Planning Commission for conformance to the Housing Distribution Strategies described in the Housing and Residential Plan element of the Waterfront Areas Management and City Master Plan. The Planning Commission shall not vary the distribution goals through site plan approval actions. If required, the Planning Commission shall first modify the Housing Distribution Strategy by amending the Waterfront Areas Management and City Master Plan.

SECTION 3.05 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, Height, Bulk, Density and Placement requirements, unless otherwise specified, are as provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 9

MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

SECTION 4.01 STATEMENT OF PURPOSE

The basic purposes of the Medium Density Residential (MDR) District are as follows:

1. To provide an area where housing units will tend to be in some form of a multiple family structure, typically single family attached units.
2. To provide opportunities for introducing housing units into an area at higher densities than could otherwise be achieved in the Low Density Residential (LDR) District.
3. The Medium Density Residential (MDR) District in some cases, due to topography or natural features, can be more effective in preserving site characteristics. This is because of the number of variable housing structure arrangements allowed by right.
4. The Medium Density Residential (MDR) District is also designed to help carry out the housing distribution goals of the Housing and Residential Land Use Plan element of the Waterfront Areas Management and City Master Plan.

SECTION 4.02 USES PERMITTED BY RIGHT

The following provisions apply in all Medium Density Residential (MDR) Districts. In a Medium Density Residential (MDR) District, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure, except in accordance with the following provisions:

1. All uses permitted by right in the Low Density Residential (LDR) District.
2. All special land uses permitted after review and approval in the Low Density Residential (LDR) District, subject to the terms and conditions for each use provided therein, except that Subsections 3.03.2(a) and 3.03.2(b), special uses conditions, do not apply.

SECTION 4.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses shall be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and subject further to the following provisions:

1. All other forms of multiple family housing structures, including those generally referred to as apartments, without regard to the number of dwelling units contained within each building structure, when ALL of the following conditions are met:
 - a. The area of the site is not less than two (2) acres.
 - b. The parcel or site fronts upon a public street classified as an urban collector or greater classification according to the Major Street Plan element of the Waterfront Areas Management and City Master Plan. The Planning Commission may consider waterfront properties, provided they are designated Medium to High Density Residential on the Residential Land Use Plan component of the Waterfront Areas Management and City Master Plan.
 - c. The site has unique topographical features (normally a grade in excess of ten (10) percent), which would tend to reduce the size of the building over that which might appear on a relatively flat site, so as to preserve important view corridors to the water, if this is applicable.
 - d. Approval of the structure and number of dwelling units will not result in exceeding the housing unit distribution assignment for the management unit within which the project is located.
 - e. The site is not contiguous to a single family detached dwelling unit on more than one (1) boundary, otherwise approval shall be obtained from all contiguous owners of single family detached dwelling units.

SECTION 4.04 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further pursuant to Act 207, Public Acts of 1921, as amended, with respect to Public Hearing and notification requirements, and subject further to the following provisions:

1. Mobile/Modular Home Park and/or Development, subject to the regulations and requirements of the Mobile Home Park Code of the State of Michigan Act 419, Public Acts of 1976, and as further provided herein.
 - a. No mobile/modular home park and/or development shall be permitted if the size of the mobile/modular home park and/or development contains fewer than twenty (20) mobile/modular

home units and less than a parcel of land ten (10) acres in size OR greater than one hundred and fifty (150) mobile/modular home units.

- b. The number of mobile/modular home units shall not exceed seven (7) units per gross acre.
- c. A mobile/modular home park and/or development as herein defined, shall be located on a public street having an asphaltic or concrete surface and said public street shall be classified as an urban collector or greater classification as designated on the Major Street Plan element of the Waterfront Areas Management and City Master Plan.
- d. Contiguous land relationships shall include the following conditions:
 - i. Not more than fifteen percent (15%) of the perimeter boundary of the proposed site shall abut a Low Density Residential (LDR) District.
 - ii. Not more than twenty-five percent (25%) of the boundary of the proposed site shall abut an existing public street.
 - iii. No mobile/modular home park and/or development as herein defined, may be introduced into a Medium Density Residential (MDR) District where the total acreage of land lying within six hundred (600) feet of the site contains single family detached dwelling units at an overall gross density of two (2) or more dwelling units per acre, and whose average minimum floor area exceeds one thousand (1,000) square feet.
- e. Other environmental impact factors which the Planning Commission determines are important.

2. Retail trades and services, subject to the following conditions:

- a. Retail and/or service activities shall not take place in a building totally devoted to non-residential uses.
- b. Access to the retail and service uses shall be from within the building and customer access shall not be possible directly from the exterior of the building.
- c. Retail and/or service uses may only occupy a ground floor or sub-surface space.

- d. Retail and/or service space shall principally serve a customer who resides within the building or buildings which are a part of the same project development and may incidentally serve a non-resident as may be the case in waterfront related Medium Density Residential (MDR) District dwelling units which may have a private marina in conjunction therewith.
- e. Retail trade and/or services in these developments are clearly not to be competitive with businesses located in the Charlevoix Downtown Development Area.
- f. Other environmental considerations and use relationships that the Planning Commission determines are important.

SECTION 4.05 RELATIONSHIP TO HOUSING DISTRIBUTION STRATEGY

The provisions of Section 3.04 apply equally to Article 4, Sections 4.02, 4.03 and 4.04.

SECTION 4.06 RESOLUTION OF DISCRETIONARY SPECIAL LAND USES

The Planning Commission may resolve to approve, disapprove, or approve with conditions, a discretionary special land use application. The Planning Commission will develop and approve procedural requirements for resolving discretionary special land use applications and will develop adequate criteria to determine the conditions under which approval can be achieved or will otherwise be disapproved.

SECTION 4.07 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, density and placement requirements, unless otherwise specified, are as provided in the following table and as further provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 5

HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

SECTION 5.01 STATEMENT OF PURPOSE

The basic purposes of the High Density Residential (HDR) District are as follows:

1. To provide an opportunity for high density housing, as defined in the Residential Land Use component of the Waterfront Areas Management and City Master Plan, to be built in the most appropriate locations than is otherwise possible in the Medium Density Residential (MDR) District.
2. To provide a specific opportunity to build apartment structures as opposed to more restricted forms of multiple family structures.
3. The High Density Residential (HDR) District is also designed to help carry out the housing distribution goals of the Housing Plan component of the Waterfront Areas Management and City Master Plan.
4. The High Density Residential (HDR) District is also designed to serve as a transition area between the downtown area and the remainder of the City, while enhancing the market base of the downtown area.

SECTION 5.02 USES PERMITTED BY RIGHT

The following provisions shall apply in all High Density Residential (HDR) districts. In a High Density Residential (HDR) District, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure, except in accordance with the following provisions:

1. All uses permitted by right in the Medium Density Residential (MDR) District, with the exception of single family detached dwelling units.
2. All special land uses permitted after review and approval in the Medium Density Residential (MDR) District, subject to the terms and conditions provided therein for each use, except for residential uses for which no conditions apply, or as otherwise provided herein.
3. All discretionary special land uses permitted after review and approval in the Medium Density Residential (MDR) District, subject to the terms and conditions provided therein for each discretionary use.

SECTION 5.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses shall be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and subject further to the following conditions:

1. Time Shared Condominiums And/Or Motels/Hotels, subject to the following provisions:
 - a. A time shared condominium and/or motel/hotel shall have a riparian relationship.
 - b. The site has unique topographical features which would otherwise tend to reduce the size of the building over that which might appear on a relatively flat site so as to preserve important view corridors to the water.
 - c. The site is not contiguous or opposite a Low Density Residential (LDR) District.

SECTION 5.04 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further pursuant to the provisions of Act 207, Public Acts of 1921, as amended, with respect to public hearing and notification requirements.

"Reserved for future use"

SECTION 5.05 RELATIONSHIP TO HOUSING DISTRIBUTION STRATEGY

The provisions of Section 3.04 shall apply equally to Article 5, Section 5.02.

SECTION 5.06 RESOLUTION OF DISCRETIONARY SPECIAL LAND USES

The provisions of Section 4.06 shall apply equally to Article 5, Section 5.06.

SECTION 5.07 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, density and placement requirements, unless otherwise specified, are as provided in the following table and as further provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 6

LOCAL AND CONVENIENCE COMMERCIAL DISTRICT (LCC)

SECTION 6.01 STATEMENT OF PURPOSE

The basic purposes of the Local and Convenience Commercial (LCC) District are as follows:

1. To provide retail, service and office uses whose principal clientele support is from households who reside in the City of Charlevoix and its immediate environs. Generally, the type of merchandise available in this district are not defined as comparative shopping goods (i.e. major appliances, furniture, etc.), with the exception of automobiles.
2. Retail and service activities, largely dependent upon a regional market and/or tourist supported (i.e. comparison goods, specialized retail trades like gift shops, and expensive wearing apparel and fine dining establishments), should be discouraged from locating in the Local and Convenience Commercial (LCC) District in favor of locating in the downtown area.
3. Generally, this zoning district is designed to implement development of those areas described as "Low Intensity Commercial" in the Commercial Development Policies Plan component of the Waterfront Areas Management and City Master Plan.

SECTION 6.02 USES PERMITTED BY RIGHT

The following provisions apply in all Local and Convenience Commercial (LCC) Districts. In all Local and Convenience Commercial (LCC) districts, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure except in accordance with the following provisions:

1. Generally recognized retail businesses which supply commodities on the premises and whose market is primarily dependent upon households residing in the City of Charlevoix and its immediate surrounding township area including: food products (not for consumption on the premises), dairy products, beverages, baked goods, or other products normally consumed by a family in their household; drugs and related items, including notions and miscellaneous small appliances and merchandise normally found in a drug store or pharmacy; wearing apparel; and hardware and related supplies.
2. Personal service establishments which perform services on the premises whose clientele/market is primarily dependent upon households residing in the City of Charlevoix and its immediate surrounding township area

including: barber shops, beauty/hair salon shops; repair shops for small household appliances, televisions, watches, shoe repair, etc.; photographic studios; and laundromats/self service laundries.

3. Offices for professional services, licensed or registered by the state including: doctors; dentists and similar or allied members of the medical and osteopathic community; and other professional services.
4. Financial institutions; banks, savings and loans, and credit unions; and general business offices.
5. Planned convenience shopping center which may include all of the above described activities and when used in this context, means a single or group of interrelated buildings which have been designed for operation as a unit and can satisfy the following criteria: a site of three to five acres; a supporting population of 1,500 households (approximately 3,000 persons) within a trade area of one mile in radius; six to ten stores; and a total floor area of 10,000 to 30,000 square feet.
6. Advertising and/or identification signs, subject to the provisions of the City's Sign Ordinance.
7. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 6.03 REQUIRED CONDITTONS

1. All retail or service establishments shall deal directly with consumers as opposed to wholesale distribution of products or services to non-household establishments. For those retail establishments producing goods on the premises, they shall be sold at retail.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. No individual retail or service establishment shall exceed a floor area which suggests an effort to increase the size of its clientele/market area beyond the City of Charlevoix, except for miscellaneous passer-by customers. This determination shall be a function of the Site Development Plan Review Provisions, Article 13.
4. Professional, financial and general business offices, when locating in the Local and Convenience Commercial (LCC) District, must be able to demonstrate that they provide services essentially to households residing within the City of Charlevoix and its immediate township area.

SECTION 6.04

SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses shall be permitted by the Planning Commission pursuant to Article 10, Site Development Plan Approval Provisions, and subject further to the following conditions:

1. Fast food, carry-out and/or drive-in restaurants, delicatessens and similar specialty food restaurants, subject to the following conditions:
 - a. The effect of an approval action does not pre-empt the land in a specific and continuous Local and Convenience Commercial (LCC) District, if within that district not more than two (2) of the above uses are already represented. If none of the above uses are represented, then the remaining land may be pre-empted.
 - b. This use emphasis is specifically provided for in the Commercial Development Policies Plan component of the Waterfront Areas Management and City Master Plan.
 - c. The use will not simply add to the supply of the same kind of uses already in a specific and continuous Local and Convenience Commercial (LCC) District.
2. Automobile sales (both new and used) and service, subject to the following conditions:
 - a. The use will not pre-empt all of the land set aside for the planned development emphasis in that specific and continuous Local and Convenience Commercial (LCC) districts, as described in the Commercial Development Policies Plan component of the Waterfront Areas Management and City Master Plan.
 - b. The use will not otherwise negatively impact existing commercial uses and adjacent residential areas.
 - c. The parcel or site fronts upon a public street classified as an urban principal arterial according to the Major Street Plan element of the Waterfront Areas Management and City Master Plan.
3. Automobile repair shop and gasoline dispensing facility, subject to the following conditions:
 - a. No boundary of the site may be contiguous to a residentially zoned district in those instances where automobile repair services are offered. This rule does not apply in the case of a gasoline dispensing facility only.

- b. The parcel or site fronts upon a public street classified as an urban principal or minor arterial street according to the Major Street Plan element of the Waterfront Areas Management and City Master Plan.
- c. The use will not otherwise negatively impact existing commercial uses and adjacent residential areas.
- d. The use will not simply add to the supply of the same kind of uses already in a specific and continuous Local and Convenience Commercial (LCC) district.

Section 6.04.1 Required Conditions For Special Land Uses

- 1. All retail and service establishments shall deal directly with consumers. For those retail establishments producing goods on the premises, they shall be sold at retail on the premises where produced.
- 2. All business, servicing, or processing, except for off-street parking or loading shall be conducted within a completely enclosed building, except in the case of Sections 6.04(2) and 6.04(3). Exceptions and the manner of utilizing open air space remains subject to the requirements of Article 13, Site Development Plan Approval Provisions.

SECTION 6.05 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further pursuant to the provisions of Act 207, Public Acts of 1921, as amended with respect to public hearing and notification requirements.

- 1. A Planned Multi-Purpose Development Scheme involving the use of land for retail, offices, and/or services with residential uses or combination thereof. Residential uses may be combined with any other use as herein provided but may not be permitted singularly. The Planning Commission will have regard to the following evaluation criteria:
 - a. The proposed use will not detract or otherwise negatively impact adjacent development. In this regard the Planning Commission may require the submission of an environmental impact assessment.
 - b. Generally, a multi-use proposal which includes residential uses should be considered appropriate only in the downtown area and waterfront locations.

- c. Generally, residential uses should not occupy the ground floor level.
 - d. Residential uses are consistent with the planned distribution of housing units for the management unit in which the project is located as provided in the Housing and Residential Plan components of the Waterfront Areas Management and City Master Plan.
 - e. The Waterfront Areas Management and City Master Plan recognizes the appropriateness of multi-use projects in the underlying Local and Convenience Commercial (LCC) district.
2. Any retail business, service establishment or professional and general offices as defined in the Standard Industrial Classification Manual for the following categories:
- a. Retail category Major Groups 52 thru 59 inclusive; Finance, Insurance and Real Estate Major Groups 60 thru 67; Services category Major Groups 70, 72, 73, 75, 76, 78 and 79; Major Groups 80, 81, 86 and 89. A use, unless otherwise specifically addressed in this section, or subsequent section, shall be construed to be included herein.

All of the above-permitted major group uses of land and buildings are subject to the following performance evaluation criteria and/or conditions:

- 1. Major group uses shall only be permitted in commercial zoned areas of the City in accordance with the use emphasis noted in the Commercial Policies Plan section of the Waterfront Areas Management and City Master Plan.
- 2. The Planning Commission may determine that a use not in accordance with the development emphasis noted in the Commercial Policies Plan section of the Waterfront Areas Management and City Master Plan, but included in another Major Group as described above, be permitted after finding all of the following conditions to exist:
 - a. That the use will not pre-empt all of the land set aside for the planned development emphasis in that particular commercial district.
 - b. No other commercial district has vacant land that could otherwise accommodate the proposed use.
 - c. That the proposed use will not detract or otherwise negatively impact existing commercial uses or adjacent residential areas.
 - d. That the use will not simply add to the supply of the same kind of uses already in the particular commercial area.

Section 6.05.1 Required Conditions For Discretionary Land Uses

The provisions of Section 6.04.1 apply equally to Section 6.05.1.

SECTION 6.06 AREA, HEIGHT, BULK, INTENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, intensity and placement requirements, unless otherwise specified, are as provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 7

COMMUNITY AND REGIONAL COMMERCIAL DISTRICT (CRC)

SECTION 7.01 STATEMENT OF PURPOSE

The basic purposes of the Community and Regional Commercial (CRC) District are as follows:

1. To provide an area where predominately retail and service uses will be concentrated and whose market support is largely from customers who do not live in the City of Charlevoix. To a considerable extent, retail and service uses are dependent upon disposable income from tourists and short-term visitors to Charlevoix.
2. Retail uses are characterized as comparison shopping goods, however, a large number of retail shops are likely to be specialty gift shops. A substantial number of businesses are expected to be service businesses such as various types of food serving establishments.
3. The Community and Regional Commercial (CRC) district is also expected to be the area where most motel/hotel lodging facilities are expected to locate.
4. The principal Community and Regional Commercial (CRC) district is to be located in the four block downtown area, together with its integral relationship to Round Lake, and is intended to be a central trade area for an area much larger than Charlevoix. As such, the downtown Community and Regional Commercial (CRC) district is also expected to fill the role of a multi-purpose retail, service and office center, and retain the county's major governmental administrative functions as the designated County Seat.

SECTION 7.02 USES PERMITTED BY RIGHT

The following provisions apply in all Community and Regional Commercial (CRC) districts. No person shall hereafter use any building, structure or land, and no person shall erect any building or structure, except in accordance with the following provisions:

1. All uses permitted by right in the Local and Convenience Commercial (LCC) district, with the exception that the limiting factors relative to Sub-section 6.02(5) are removed when a planned shopping center is located in the Community and Regional Commercial (CRC) district. Section 6.03, Required Conditions, remains in effect when said uses are carried forward.

2. All special land uses permitted after review and approval pursuant to Section 6.04 and Sub-section 6.04.1, and subject to an assessment of consistency with Section 6.01, Statement of Purpose.
3. All discretionary special land uses permitted after review and approval, pursuant to Section 6.05 and Sub-section 6.05.1, and subject further to an assessment of consistency with Section 6.01, Statement of Purpose.
4. Public and semi-public institutional uses, and governmental administrative buildings.

SECTION 7.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses shall be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Approval Provisions, and subject further to the following conditions:

1. Indoor and/or outdoor sales space for the sale of new or used boats and marine equipment, farm machinery and equipment, landscape materials and supplies, and all manner of recreation vehicles, subject to the following conditions:
 - a. No major repairs or refinishing shall be done on the lot.
 - b. The use will not otherwise negatively impact existing commercial uses and adjacent residential areas.
2. Public or private marina and boat launching facilities, together with incidental and related facilities, subject to the following conditions:
 - a. Buildings and structures on the land will not negatively affect the quality of the environment due to poor building quality and unsightly exterior conditions.
 - b. The view of the water is retained to the greater extent.
 - c. The principal function of buildings is to provide boat repair services and is not intended as a place for long term storage.

SECTION 7.04 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further subject to the provisions of Act 207, Public Acts of 1921, as amended with respect to public hearing and notification requirements.

SECTION 7.05 SPECIAL USE EXCEPTIONS FOR WATERFRONT RELATED COMMUNITY
AND REGIONAL COMMERCIAL (CRC) DISTRICTS

Community and Regional Commercial (CRC) districts situated on Lake Charlevoix are further subject to the following conditions:

1. The Planning Commission may exercise discretionary authority in determining that retail and service uses will not have a competitive effect on the same uses available in the downtown area. Generally, any Community and Regional Commercial (CRC) district on Lake Charlevoix shall not contain normal household appliances and major household furniture pieces. This Community and Regional Commercial (CRC) district is intended to make available retail trade and service uses for a limited clientele consisting of waterborne customers, and residents in associated housing or motel/hotel projects.
2. With the exception of dining or other entertainment facilities, floor areas devoted to retail trade and service uses shall not exceed six hundred (600) square feet. The intent is to encourage small specialty shops and service businesses.

SECTION 7.06 AREA, HEIGHT, BULK, INTENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, intensity and placement requirements, unless otherwise specified, are as provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 9

LIMITED INDUSTRIAL DISTRICT (LI)

SECTION 8.01 STATEMENT OF PURPOSE

The basic purposes of the Limited Industrial (LI) District are as follows:

1. To provide an area for Limited Industrial activities which may permit a more sensitive relationship to residential areas, while implementing the Industrial Land Use policies section of the Waterfront Areas Management and City Master Plan.
2. To provide an area essentially limited to industrial warehousing and storage and industrial research and development activities, typically environmentally free of any industrial emissions, including noise, smoke, vibrations, and unsightly exterior conditions.
3. To encourage the establishment of year around employment opportunities in order to provide a less cyclical economic climate in the City of Charlevoix.

SECTION 8.02 USES PERMITTED BY RIGHT

The following provisions apply in all Limited Industrial (LI) districts. In a Limited Industrial (LI) District, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure except in accordance with the following provisions:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development. Clearly the use is not involved in the manufacture of items in bulk quantities for immediate market distribution and further provided that all activities are conducted entirely within an enclosed building and further provided that all emission and noise standards, as hereinafter provided, are complied with.
2. Warehouseing/storage facilities provided further that the Planning Commission, pursuant to approval of the development plan, may require certain exterior finishes to the building or structure to ensure that said building or structure is compatible with the area to which said use is introduced.
3. Wholesale/retail distribution facilities. The distribution of goods in a wholesale manner must be an important aspect of the wholesale/retail distribution facility. The Planning Commission may determine

the reasonableness of outside product storage and what measures will be taken to provide a visual screen for said products stored outside. Generally, the uses included within this classification are described in the Standard Industrial Classification Manual as Wholesale Trade Major Group 50.

4. Accessory supporting or incidental uses which may include in-house recreational facilities such as a health spa, handball court, or similar recreational activities, offices or restaurant which has the needs of the employees as its principal use.
5. Advertising and/or identification signs, subject to the provisions of the City's Sign Ordinance.

SECTION 8.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses may be permitted by the Planning Commission pursuant to Article 13, and subject further to the following provisions:

1. Any manufacturing use involving assembly treatment and/or manufacturing, subject further to any applicable emission and noise standards as hereinafter provided. Uses included within this classification are described in the Standard Industrial Classification Manual as Division D - Manufacturing Major Groups 19 to 39 inclusive.
2. Any other use not hereinbefore described, including but not limited to use of land for storage, handling and related activities not necessarily within a building or structure, transportation services, and the like. Uses included within this classification are described in the Standard Industrial Classification Manual as Division C - Contract Construction Major Groups 16 through 17; Division E - Transportation, Communication, Electric, Gas and Sanitary Sewers Major Groups 40 through 49 inclusive.
3. Automobile engine, body repairs and undercoating shops, and other automobile related work when not an accessory function to a new car dealership, more specifically those activities described in the Standard Industrial Classifications Manual Group 753.

The above described conditionally permitted uses shall first be evaluated by the Planning Commission to determine compliance with ALL of the following conditions:

1. Uses permitted after special evaluation shall not have a contiguous boundary with a residential district except that where a use of property involves a number of industrial activities, some of which may include storage, warehousing, research, offices, etc., those uses which would normally be permitted as a matter of right may be

placed adjacent to a residential district, if such a relationship exists. The more intensive uses would then be permitted on the interior of the site separated from the residential district by less intensive uses.

2. The Planning Commission may determine to deny a low capital intensive use of land if in its opinion such use will impair the ability of the City to achieve growth management goals relative to increased levels of industrial tax base.
3. The Planning Commission is assured that adequate environmental controls will be instituted through site improvements, soundproofing, emission controls, and other pertinent environmental controls to guarantee that the quality of the residential areas is not adversely affected by any industrial development including conditions resulting from modes of transportation to and from the industry.
4. The Planning Commission may require the submission of an environmental impact assessment study in which the effect of the development on the City of Charlevoix and adjacent land use is fully analyzed.

SECTION 8.04 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further subject to the provisions of Act 207, Public Acts of 1921, as amended, with respect to public hearings and notification requirements.

"Reserved for future use"

SECTION 8.05 AREA, HEIGHT, BULK, INTENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, intensity and placement requirements, unless otherwise specified, are as provided in the following table and as further provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 9

GENERAL INDUSTRIAL DISTRICT (GI)

SECTION 9.01 STATEMENT OF PURPOSE

The basic purposes of the General Industrial (GI) District are as follows:

1. To provide an area for intensive industrial land use activities which generally involve substantial use of outdoor space, which may otherwise be visually unsightly, but which nonetheless can be regulated by the Site Plan Approval process.
2. To implement the Industrial Land Use policies section of the Waterfront Areas Management and City Master Plan, and in particular, the Growth Management Strategy of said Plan.
3. To encourage the establishment of year around employment opportunities in order to provide a less cyclical economic climate in the City of Charlevoix.

SECTION 9.02 USES PERMITTED BY RIGHT

The following provisions apply in all General Industrial (GI) Districts. In a General Industrial (GI) District, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure except in accordance with the following provisions:

1. Any use permitted in the Limited Industrial (LI) District.
2. Any manufacturing use involving assembly, treatment and/or manufacturing subject further to any applicable emission, noise, and environmental standards as hereinafter described.
3. Automobile engine and body repair, undercoating shops, and other automobile related work when not an accessory function to a new car dealership.

SECTION 9.03 DISCRETIONARY SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses MAY be permitted by the Planning Commission pursuant to Article 13, Site Development Plan Review Provisions, and further subject to the provisions of Act 207, Public Acts of 1921, as amended, with respect to public hearings and notification requirements, and subject further to the following:

1. Natural Resource Extraction, provided that:
 - a. The City's licensing provisions and the terms, conditions and regulations of its Natural Resource Recovery and Rehabilitation and Waste Landfill Ordinance are complied with.
 - b. An environmental impact review shall be made of the proposed project development by persons qualified to conduct environmental studies and who have no conflict of interest in the matter. Said environmental impact review shall show the project will have no negative impacts on the natural, physical or biological communities in the City of Charlevoix, or mitigating measures can be taken to eliminate said adverse impact at no cost to the City.
2. Waste to energy conversion plants, resource recovery operations and electric power generating plants, provided that:
 - a. Said uses are determined essential to the economic development interests of Charlevoix County. Any agency proposing such a use shall show to the satisfaction of the Planning Commission that it has completed a cost/benefit study showing a site in the City of Charlevoix to be better than alternative sites.
 - b. An environmental impact review shall be made of the proposed project development by persons qualified to conduct environmental studies and who have no conflict of interest in the matter. Said environmental impact review shall show the project will have no negative impacts on the natural, physical or biological communities in the City of Charlevoix, or mitigating measures can be taken to eliminate said adverse impact at no cost to the City.
3. Petroleum or other inflammable liquids, production, refining or storage, provided that:
 - a. An adequate separation zone can be established between this use and industrial uses permitted as a matter of right.
 - b. No part of the site is contiguous to land zoned for residential purposes.
4. Salvage yards including automobile, farm implements, and construction equipments, provided that:

- a. Licensing requirements of the City of Charlevoix for "junkyards" are complied with.
- b. Salvage parts are not visually discernable from any public street or residentially zoned district line.

SECTION 9.04 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, height, bulk, density and placement requirements, unless otherwise provided, shall be the same as those provided in the following table and as further provided in Article 10, Schedule of Regulations and footnotes thereto.

ARTICLE 10

SCHEDULE OF REGULATIONS

SECTION 10.01 TABLE - SCHEDULE OF REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, lot coverage, building size, and densities apply within the Zoning Districts as indicated, including the regulations contained in the footnotes to the following table. No building shall be erected nor shall an existing building be altered, enlarged or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of the ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

TABLE OF SCHEDULE OF REGULATIONS

		Zoning District Descriptor	Minimum Lot Size Area	Resident. Density # Of Bdrms.	Maximum Building Height Stories Ft.	Front	Minimum Yard Setback In Feet Sideyards		Rear	Maximum Floor Area Ratio FAR	Minimum Landsp'd Area % of Lot	Maximum Lot Area Coverage % of Lot	Min. Floor Area	No. of Dwelling Units Per Acre
Sym.							Least Side	Total	Two					
LDR	Residential Single Family Detached		8,750 (a)	N/A*	2½ 30	25 (b) (c)	12 (b) (d)	18 (b) (d)	35 (b)	N/A	20 (e)	30 (f)	(v)	N/A
	For Special and Discretionary Residential Structures													
	Single Family Attached, ROW, Town & Garden Apt. Housing Units	(g)	(g)	(k)	2½ (h) 30	30 (i) (j)	15 (i) (j)	30 (i) (j)	35 (i) (j)	N/A	20 (e)	35 (f)	(v)	(k)
	Two Family	12,000 (a)	90 (a)	(k)	2½ 30	30 (i) (j)	12 (b) (d)	20 (b) (d)	35 (b)	N/A	20 (e)	30 (f)	(v)	N/A
MDR	Residential Single Family Detached		7,500 (a)	N/A	2½ 30	25 (b) (c)	12 (b) (d)	18 (b) (d)	35 (b)	N/A	20 (e)	30 (f)	(v)	N/A
	Multiple Family Struc.	2 Ac. (g)	100 (g)	(k)	2½ (h) 30	30 (i) (j)	15 (i) (j)	30 (i) (j)	35 (i) (j)	N/A	20 (e)	35 (f)	(v)	(k)
	Two Family	10,000 (a)	80 (a)	(k)	2½ (h) 30	30 (i) (j)	12 (b) (d)	20 (b) (d)	35 (b)	N/A	20 (e)	30 (f)	(v)	(k)
HDR	Residential Mult. Family Structures		1 Ac. (g)	(k)	3 (h) 30	30 (i) (j)	15 (i) (j)	30 (i) (j)	35 (i) (j)	N/A	20 (e)	35 (f)	(v)	(k)

TABLE OF SCHEDULE OF REGULATIONS

ym.	Zoning District Descriptor	Minimum Lot Size Area Width	Resident. Density # Of Bdrms.	Maximum Building Height Stories Ft.	Front	Minimum Yard Setback In Feet Sideyards	Minimum Yard Setback In Feet Total Two	Rear	Maximum Floor Area Ratio FAR	Minimum Landsp'd Area % of Lot	Maximum Lot Area Coverage % of Lot	Min. Floor Area	No. of Dwelling Units Per Acre
CC	Local and Convenience	N/A	N/A	3 (1)	20 (m) (n) (q)	10 (m) (o)	20 (m) (o)	20 (m) (p)	0.5 (r)	(s)	(r)	N/A	N/A
RC	Community & Regional Commercial	N/A	N/A	3 (1)	20 (m) (n) (q)	10 (m) (o)	20 (m) (o)	20 (m) (p)	0.5 (r)	(s)	(r)	N/A	N/A
I	Limited Industrial	N/A	N/A	3 (1)	35 (m) (t)	20 (m)	40 (m)	50 (m) (p) (w)	N/A	(s)	55	N/A	N/A
I	General Industrial	N/A	N/A	3 (1)	35 (m) (t)	20 (m)	40 (m)	50 (m) (p) (w)	N/A	(s)	55	N/A	N/A

*N/A = Not Applicable

- h. As a function of the development plan review and approval process, the Planning Commission may determine the appropriate height of buildings. Any building or structure above a height of two and one-half (2½) stories may be permitted only after assurance can be provided that the building or structure can be provided adequate fire protection and that it will not block the view of important view corridors.
- i. In all multiple family type development involving clusters or groupings of residential structures on a parcel of land, the following formula shall be used to establish the spacing between buildings and is further described in the diagram on the following page and explanation thereto.
- j. To adequately regulate the relationship of multiple family structures to recorded lot lines, the following formula shall apply. Where this formula produces a greater front, side and rear yard than the minimum prescribed, it shall apply:

Yard widths shall be based upon a factor of 0.6 times the height or length of a wall facing any property lines, whichever is the greater with the following variation.

Front Yards: The factor of 0.6 minus one-half (½) the width of the planned road right-of-way but in no case less than thirty (30) feet from planned right-of-way (i.e. a building 200 feet wide would require a setback of 120 feet, with planned right-of-way of 100 feet, setback would be 120 minus 50 feet, or 70 feet).

Rear and Side Yards: Rear and side yards may be reduced to a minimum of one-half (½) the length or height of the building, whichever is the lesser in the event of walls without windows to habitable rooms.

- k. The number of dwelling units per acre shall be a function of the number of bedrooms per acre. It is intended that the number of bedrooms per acre should not be an inflexible number but rather should depend on several conditions including the following:
 - (i) Location with respect to existing single family development and non-residential development.
 - (ii) Occupancy type (i.e. owner verses renter occupied, elderly or primary individual household versus family household, etc.).
 - (iii) Quality of the design and quality enhancement features.

Footnotes to the Schedule of Regulations:

- a. The minimum lot area for single family detached housing units is as provided except that provision is made for reduced lot sizes in subdivision open space plats and cluster development projects. Residential development within the City of Charlevoix without connection to the municipal water and waste disposal system is not permitted.
- b. All yard requirements include and apply to main and accessory buildings.
- c. There shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than twenty-five (25) feet, regardless of the available frontage, except that approval of the Board of Zoning Appeals is necessary where the effect of this action would result in a structure being located less than twenty-five (25) feet from a street line. No accessory building shall project beyond the front yard line on either street. No principal building may be constructed within thirty-five (35) feet of the ordinary high water mark, or as otherwise provided.
- d. A garage for the storage of automobiles may be located within the required side yard when accessible directly from a public street and said garage does not contain any habitable quarters over top of said garage. Under this condition, the required side yard next to the garage may be reduced to six (6) feet and the total side yard may be reduced to twelve (12) feet.
- e. Landscaping shall be construed to include areas devoted solely to pedestrian use and shall not consist of any impervious ground cover with the exception of areas devoted to patios and essential driveways. All required setback areas shall be landscaped, however the meaning of "landscaping" may include retaining the natural vegetation on the site.
- f. Lot area coverage applies to all main and accessory buildings and structures. For the purpose of this section, in ground or at grade structures such as swimming pools, are not structures for computing allowable coverage.
- g. Refers to multiple family projects in the LDR, MDR and HDR Districts, through qualifications of performance standards, or as otherwise permitted. Minimum parcel size is described in each section, or as otherwise provided in the Schedule of Regulations Table. The greater provision shall apply. Where prior development has occurred and a plan has been adopted by the Planning Commission, a multiple family project on a lesser size parcel may be permitted.

Footnote (i.)

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L_B = Total length of building B.

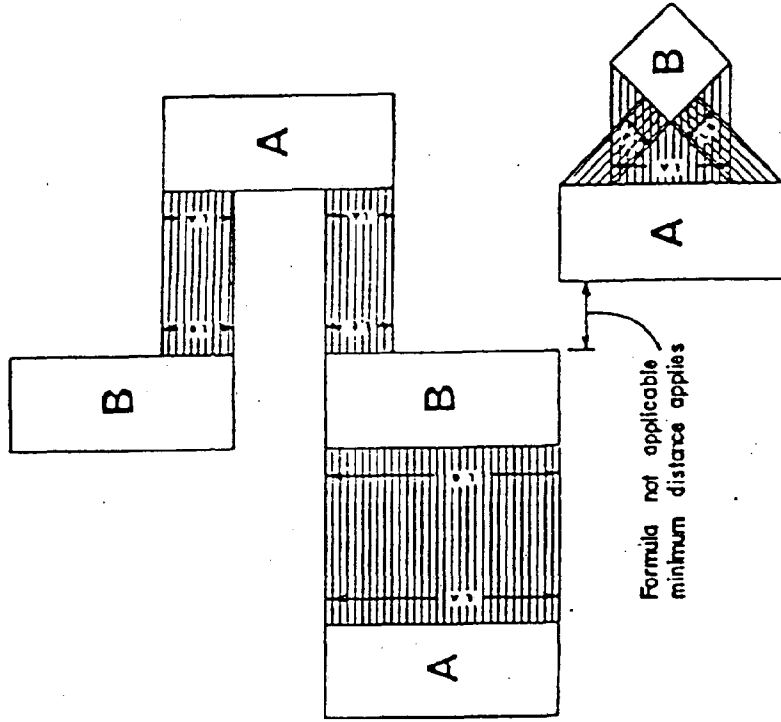
The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H_A = Height of building A.

The height of building A at any given level is the height above the natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H_B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



MINIMUM DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR

MULTIPLE DWELLINGS

- (iv) Relationship to the major street system and public transportation.
- (v) Consistency with the Housing Distribution Strategy and Housing Plan elements of the Waterfront Areas Management and City Master Plan.

The following table should serve as an approximate guide to determining the number of bedrooms per acre:

TABLE

CRITERIA FOR DETERMINING NUMBER OF UNITS PER ACRE

FACILITY RELATIONSHIP		MINIMUM NUMBER OF BEDROOMS PER ACRE	TOTAL NUMBER OF BEDROOMS PER ACRE
(i)	Base Number	6.00	6.00
(ii)	With frontage on a principal or minor arterial street up to a depth of 500 contiguous feet	ADD 2.00	8.00
(iii)	Public Transportation on arterial fronting street	ADD 4.00	12.00
(iv)	Landscape improvements and/or recreation facilities;		
	a. Landscape Budget		
	Minimum 2% of unit cost	ADD 0.25	12.25
	Minimum 4% of unit cost	ADD 0.50	12.75
	Minimum 6% of unit cost	ADD 0.75	13.50
	Minimum 8% of unit cost	ADD 1.00	14.50
	b. Community Building;		
	Minimum 25 sq.ft./unit	ADD 1.00	15.50
	c. Swimming Pool;		
	Minimum 800 sq.ft./100 units	ADD 1.00	16.50
	d. Tennis Courts;		
	Minimum 2 courts/100 units	ADD 1.00	17.50
	e. Other with Combined Value of 1% of unit cost	ADD 0.50	18.00
(v)	Transference of development rights to maintenance of view corridors	ADD 2.00	20.00
(vi)	Granting of pedestrian only easement for access to and across waterfront property	ADD 5.00	25.00

FACILITY RELATIONSHIP		MINIMUM NUMBER OF BEDROOMS PER ACRE		TOTAL NUMBER OF BEDROOMS PER ACRE
(vii)	For owner occupied housing versus renter occupied housing	ADD	5.00	30.00
(viii)	Housing designed uniquely for the elderly	ADD	5.00	35.00

With the exception of housing designed uniquely for the elderly, multiple family structures shall include a representative number of unit bedroom composition. The following guidelines are not to be construed as absolutes, but rather as general guidelines:

- (a) Not more than twenty percent (20%) of the dwelling units within a multiple family project shall consist of efficiency dwelling units.
- (b) Not more than fifty percent (50%) of the dwelling units within a multiple family project shall consist of efficiency and one-bedroom dwelling units.

Efficiency dwelling units are considered one bedroom units for the purposes of this section. A room not specifically designated a living room, kitchen, family room, or bathroom shall be considered a bedroom and only one such living room, kitchen, family room, and dining room may be counted as a non-bedroom. A den, loft, or library shall be counted as a bedroom.

- 1. At the descretion of the Planning Commission and as a function of the development plan review and approval process, the height of a building above the minimum herein prescribed may be permitted. Instances where such variation may be deemed desirable are in the case of an exceptionally large planned commercial or industrial complex consisting of a number of buildings or other instances where residential areas would not be adversely affected. The Planning Commission will also have regard to the adequacy of fire protection facilities and preservation of important view corridors.
- m. A front yard setback, as provided in the Table of Schedule of Regulations, shall not apply to the Community and Regional (CRC) District which comprises the area contained within the downtown area. The downtown area is that area for which an architectural development plan has been provided, and is contained within the Waterfront Areas Management and City Master Plan. All other Community and Regional Commercial (CRC) districts are subject to the requirements of the Table of Schedule of Regulations.

Where the maximum height is to be exceeded, front, side and rear yards shall equal a minimum of one-half ($\frac{1}{2}$) of the height of the wall of the building facing said property line and in no case less than the minimum provided above.

Where a commercial or industrial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet.

- n. Off-street parking shall be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission, provided that there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated in the Major Thoroughfare Plan section of the Waterfront Areas Management and City Master Plan.
- o. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls or structures facing such interior side lot lines contain windows, or other openings, a side yard of not less than ten (10) feet shall be provided.
- p. On a corner lot which has a rear yard abutting a residential district, there shall be provided a setback of twenty (20) feet on the residential street side. On an exterior side yard abutting a residential district, there shall be provided a setback of ten (10) feet in width.
- q. For every ten (10) feet of setback from a front or side lot line which in turn is landscaped, the floor area ratio factor (FAR) may be increased by 0.25.
- r. The maximum FAR may be increased by a factor of 0.25 or 25% in the event a particular project provides various aesthetic embellishments; such as, abstract artifacts and other types of streetscape, to include but not be limited to sculpture, fountains, plazas, and other architecturally and aesthetically producing improvements, and when said improvement is the equivalent of a minimum value of ten percent (10%) of the cost of the main structure or twenty percent (20%) of the State Equalized Evaluation, whichever is the greater.
- s. The amount of land area devoted to landscaping shall be a function of the size of the commercial or industrial development or land area occupied. The following shall serve as a guide for the Planning Commission in approving site development plan applications:
 - (i) Less than 20,000 square feet = 5 percent.
 - (ii) 20,001 square feet to 40,000 square feet = 7.5 percent.
 - (iii) 40,001 square feet to 60,000 square feet = 10 percent

- (iv) 60,001 square feet to 100,000 square feet = 7.5 percent.
- (v) 100,001 square feet to 200,000 square feet = 5 percent.
- (vi) 200,001 square feet to 400,000 square feet = 3 percent.
- (vii) Over 400,000 square feet = 2 percent
- t. Off-street parking shall be permitted to occupy a required front yard after approval by the Planning Commission as to a parking plan layout and points of ingress and egress, provided that there shall be maintained a minimum landscaped setback of twenty (20) feet exclusive of access driveways and the nearest right-of-way line as indicated in the Major Thoroughfare Plan section of the Waterfront Areas Management and City Master Plan.
- u. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high or other screening as required by the Planning Commission.
- v. Every housing unit hereafter constructed in the City shall conform to the following minimum floor area requirements;

DETACHED HOUSING UNITS			
<u>SINGLE FAMILY</u>	<u>Mobile/Modular Units</u>	<u>MULTIPLE FAMILY</u>	
1 Story	1,000-sq. ft.	Eff. -	450 sq. ft.
1½ Story (1st)	800 sq. ft.	1 Br. -	600 sq. ft.
1½ Story (2nd)	350 sq. ft.	2 Br. -	720 sq. ft.
2 Story (1st)	750 sq. ft.	3 Br. -	850 sq. ft.
2 Story (2nd)	750 sq. ft.	4 Br. -	1,000 sq. ft.

Tri-levels shall be computed using the total square footage of the two uppermost levels. Bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the addressed street. The total square footage so computed for the tri-levels and bi-levels shall be equal to at least the minimum square footage requirements for one floor residences in their respective districts.

For the purpose of computing dwelling unit areas, the horizontal areas for each multiple family residential unit shall be measured from the centerline of the exterior walls separating the two dwelling units. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, garages, patios, porches and balconies.

SECTION 10.02 SPECIAL REGULATIONS PERTINENT TO USE OF WATERFRONT
AND RIPARIAN LANDS

Section 10.02.1 Purpose

The purpose of this section is to establish additional regulations regarding the use of waterfront and riparian land. It is important that water quality should not be degraded and that provision is made for the reasonable use of surface waters, without adversely affecting the rights of the public to the use of the surface waters of Round Lake, Lake Charlevoix and Lake Michigan.

Section 10.02.3 Shoreland Regulation

In addition to any other regulation contained herein, the following shall apply to the use of all shorelands in the City of Charlevoix, while all development activities within fifty (50) feet of the ordinary high water mark are subject to the review and approval of the Planning Commission.

1. Residential Districts

- a. No principal or accessory buildings shall be constructed closer than thirty-five (35) feet from the ordinary high water mark, with the exception of a pumphouse and boathouse. Pumphouses will be permitted, provided the structure is only large enough to house the pump and provided that the pumphouse does not exceed a height of four (4) feet. Boathouses shall not extend beyond the ordinary high water line.
- b. A minimum of twenty (20) feet of the thirty-five (35) foot separation area shall be maintained in its natural state. Additional trees, shrubs, and grass may be planted to protect any slope to the water's edge from eroding and to improve the aesthetic quality of the area. Existing vegetation may be removed to facilitate the locating of a boathouse and dock and to gain access to said dock from the principal building. Every effort must be exercised to prevent erosion. No more land than is absolutely necessary to accommodate a boathouse and build a dock shall be disrupted from its natural state.
- c. Except as otherwise provided, disposal fields and septic tanks shall be no closer than one hundred (100) feet to the water's edge. The disposal field tile shall be at least 1'6" above the high water table. Field tile trench bottoms shall be 2'0" above the high water table.

d. Subsoil Drainage Systems:

- i. No septic or disposal fields shall be nearer than one hundred (100) feet to any subsoil drainage system. Subsoil drainage systems (footing drains) shall not empty directly into the lake.
- ii. No solid absorption systems shall be nearer than one hundred (100) feet to any subsoil drainage system (footing drains) emptying directly into the lake.

Use of pesticides, herbicides and fertilizers: Because of the potentially adverse effects on waterfront vegetation, fish, wildlife and water quality from improper use of pesticides, herbicides and fertilizers, their use on lands within the Green Belt area is strongly discouraged, except when utilized in accord with the advice and supervision of qualified specialists.

- e. Filling, dredging, lagooning, or other alterations of shoreland shall not be permitted unless otherwise approved by the State Department of Natural Resources, pursuant to Act 346 of the Public Acts of 1972 and Act 245 of the Public Acts of 1970, as amended.
- f. The slope of any shoreland within one hundred (100) feet of an ordinary high water mark, when in excess of ten percent (10%) shall not be altered or built upon without first obtaining the approval of the Planning Commission.

2. Non-Residential Districts

- a. All of the above regulations apply equally to non-residential zoning districts, except as otherwise provided.
- b. The Planning Commission may permit the construction of certain retail, service or entertainment uses to extend to the ordinary high water mark when clearly this is deemed essential to the economic feasibility of the proposed use.
- c. The Planning Commission shall take under advisement the extent to which such an approval is inconsistent with the maintenance of view corridors, pedestrian access to waterfront areas, and destruction of natural, scenic qualities of the specific waterfront area.
 - i. The Planning Commission will have due regard to the likelihood that in the process of accommodating a building to the water's edge, that the natural vegetation will be destroyed and this may increase erosion into the adjacent water.

- ii. The Planning Commission may extract guarantees, and other assurances, that the objectives of the Waterfront Areas Management section of the Waterfront Areas Management and City Master Plan can be achieved.
- iii. Extractions may also include the provision of pedestrian access across the water's edge of the structure located to the water's edge, either by suspended structural means or by suspending the structure high enough so that pedestrian access underneath the structure is made possible.

SECTION 10.03 SURFACE WATERS AND BOTTOM LAND REGULATIONS

The following regulations apply to the use of surface waters and related bottom lands, subject to any other applicable requirements of the State and Federal governments, or other ordinances and statutes. The Planning Commission is hereby empowered to review and approve all applications which purport to use any surface water area in the corporate limits of the City of Charlevoix.

1. Residential Districts

- a. Riparian land owners may enjoy the use of surface waters and related bottom lands for water related recreational uses. Nevertheless, the use of this area is not totally without restriction in order to preserve the rights of the public to the use of surface waters, in recognition of the fact that this use has economic value to the City of Charlevoix.
- b. Existing residentially zoned riparian lots of record may use surface waters and related bottom lands as follows:
 - i. Every lot of record is permitted to have a dock, which may extend a distance of no more than seventy-five (75) feet into the water as measured from the ordinary high water mark.
 - ii. Said dock shall not contain a surface area in excess of five hundred (500) square feet and may be permanently ~~attached to the bottom land or otherwise suspended.~~
 - iii. Where a parcel of land contiguous to a ~~body of water~~ is presented for subdividing, a recreational area bordering on said body of water may be reserved for the common use of all of the lot owners and a common docking facility may be permitted, subject to the same conditions as noted above, except that the surface area of this dock may be increased to seven hundred and fifty (750) square feet. Said rule may also apply to multiple family projects.

2. Non-Residential Districts

- a. Private dock facilities in connection with permitted commercial activities are permitted to occupy the total water frontage of related land uses, except that no dock shall extend more than seventy-five (75) feet into the lake from the ordinary high water mark.
- b. Clearly, said docking to accommodate boats is to be incidental and supportive of the principal permitted commercial activity and shall not be available as a commercial dock or marina unless specifically allowed by this ordinance.

ARTICLE 11

DISCRETIONARY SPECIAL LAND USES

SECTION 11.01 STATEMENT OF PURPOSE

Special land uses in this section are those which call upon the exercise of discretionary judgements by the City Council after recommendation from the Planning Commission.

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district, the City Council pursuant to the procedure contained herein, may authorize the grant of a Discretionary Special Land Use.

Generally, discretionary land uses have some or all of the following characteristics:

1. There is unlikely to be a demand for more than one or two specific special land uses in any given community.
2. The special land use requires a regional market or serves a larger area as opposed to a local market and the City, and has unique operating characteristics as opposed to normal everyday businesses.
3. The special land use generally requires a large parcel of land, usually several or more acres.
4. The special land use may generate a significant volume of traffic.
5. Because they are large space users, they may be located in any area (assuming land is available) when the particular unique problems which they present are eliminated by consideration of good site planning, traffic control, screening, and other site plan techniques which overcome any objectionable facet of the use.
6. The special land use may require access to a major highway because of its regional service area and volume of traffic.

SECTION 11.02 PROCEDURES FOR MAKING APPLICATION

An application for a special land use shall be made in the following prescribed manner:

Application Submitted to Planning Commission: Every application shall be accompanied by the following information and data;

1. Completed form supplied by the Zoning Administrator.
2. Submission of a Site Development Plan pursuant to Article 13.
3. Evidence attesting to the fact that the special land use satisfactorily addresses the standards which are a minimum condition of approval by the City Council.
4. An assessment of the environmental consequences to nearby properties by a person professionally trained to make such assessments.

SECTION 11.03 REQUIREMENT FOR PUBLIC HEARING

The provisions of Section 16(b) or Act 184 of the Public Acts of 1943, as amended, shall apply to special land uses as described in this section.

SECTION 11.04 DETERMINATION OF APPROVAL OR DENIAL BY THE PLANNING COMMISSION

The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions imposed.

The Planning Commission shall determine if the proposed development plan meets the standards established herein for the special land use prior to recommending approval, or it shall advise the applicant in writing where the plans fail to meet the standards and allow the applicant an opportunity to amend the plan, or the Planning Commission may determine to recommend denial of the application.

The plans shall be modified when deemed necessary prior to the authorization of a Special Land Use.

Any special land use approved by the City Council shall be deemed a use permitted in the district in which such use is located and is not a non-conforming use.

SECTION 11.05 DISCRETIONARY SPECIAL LAND USES PERMITTED

The following discretionary special land uses may be permitted by the City Council after receipt of a recommendation from the Planning Commission subject to the standards hereinafter established for each discretionary special land use and after a finding of fact that the discretionary special land use will have no deleterious affect on adjoining properties or the City at large.

1. Outdoor Theaters: Because outdoor theaters and multiple theater complexes (i.e. two or more theaters) possess the unique characteristics of primarily being used after darkness and on weekend days, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas, they may be permitted within any zoning district. Said theaters shall further be subject to the following conditions:
 - a. Theaters shall abut directly upon a thoroughfare classified as an urban or minor arterial according to the Major Street Plan section of the Waterfront Areas Management and City Master Plan.
 - b. Points of ingress and egress shall be available to the theater only from abutting major thoroughfares, and shall not be available from any residential street.
 - c. All vehicles waiting or standing to enter the facility shall be provided off-street parking and waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.
 - d. All lighting used to illuminate the area shall be installed as to be confined within, and directed onto the premises of the site.
 - e. The special use will not materially affect achieving the objectives of the Waterfront Areas Management and City Master Plan relative to housing and growth management goals.
 - f. Other conditions which the Planning Commission may deem necessary to impose in accordance with Site Development Plan Review provisions.
2. Commercial Television and Radio Towers and Public Utility T.V. Transmitting Towers: Radio and television towers, public utility microwaves and T.V. transmitting towers, and their attendant facilities, may be permitted in any zoning district, subject further to the following conditions:
 - a. Said use shall be located centrally on a continuous parcel having a dimension of at least equal to the height of the tower measured from the center of the base of the tower to all points of each property line.
 - b. Other conditions which the Planning Commission may deem it necessary to impose in accordance with Site Development Plan Review provisions.

3. Nursery Garden and Garden Supplies: All such nursery gardens and garden supplies may be permitted in all residential areas when said area devoted to such use contains an area of not less than five (5) acres and the main buildings in connection therewith front upon an urban or rural arterial thoroughfare as designated in the Major Street Plan section of the Waterfront Areas Management and City Master Plan.
 - a. No building or storage area shall be permitted closer than one hundred (100) feet to any residence outside the boundary of land enclosed within the nursery garden and garden supplies area.
 - b. No building, structure or storage area shall exceed a height of fifteen (15) feet.
 - c. No building, structure or storage area shall be situated closer than fifty (50) feet to any street property line.
 - d. Other conditions which the Planning Commission may deem necessary to impose in accordance with Site Development Plan Review provisions.
4. Natural Resource Recovery/Earth Removal: Natural resource recovery/earth removal shall be permitted in any zoning district, subject to the statutes of the State of Michigan, the City's Natural Resource Recovery Ordinance, and the following:
 - a. Nothing herein shall be construed to prohibit the disposition of clean earth (absent from foreign matter such as building materials, refuse, garbage, chemical and industrial wastes), or the moving of earth in connection with a building permit.
 - b. No earthen fill materials shall be permitted to be placed in any definable surface water runoff, catchment area or floodplain.
 - c. No excavation, truck parking, material storage, or fill shall take place within two hundred (200) feet of a dwelling unit, a residential lot of record, or any residential district. Such activity may take place not closer than fifty (50) feet to any other property line provided sublaterl support is provided to surrounding property.
 - d. No fixed machinery shall be erected or maintained within fifty (50) feet of any property line.
 - e. No slope shall exceed an angle of 45° with the horizontal.

- f. Temporary buildings for the housing of machinery and field offices may not be erected closer than fifty (50) feet to any property line.
 - g. Access to the property shall be by a paved road. That portion of access road within the property shall be provided with a dustless surface. The Planning Commission shall establish routes for truck movement in order to insure minimum wear on public streets and damage to community properties.
 - h. All operations adjoining a residential use or residential district shall be screened as per Section . . .
 - i. Permitted installations shall be maintained in a neat orderly condition so as to prevent injury to other properties, any individual, or the City in general.
 - j. All areas within the development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be:
 - i. Lacking of hazards, and;
 - ii. Excavated areas shall be graded so that no gradient is steeper than three (3) horizontal to one (1) vertical;
 - iii. A layer (4 inches minimum) of top soil, as approved by the Zoning Administrator, shall be spread over the excavated areas, except areas lying below water level, in accordance with a contour plan approved by the Planning Commission.
 - iv. The area shall be seeded with perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.
 - k. Where excavation results in a body of water, the owner shall fence the excavation to 5 feet 6 inches (5'6") high and post danger signs one hundred fifty (150) feet on center.
5. Private Recreational Park, Facilities and Sports Stadium: Private recreational parks and facilities may be permitted in any zoning district, subject to the following conditions:
- a. Minimum area required for private recreational parks and/or facility improvements shall not be less than eighty(80) acres, except that the Planning Commission may determine that the particular recreational facility improvement does not require an area of this size.

- b. The area shall have its principal means of access to a paved public street and said paving shall extend to the principal urbanized areas being served by said recreational facility.

6. Private Aircraft Landing Strip: Private aircraft landing strip, subject to Section , may be permitted in the Residential zoning districts, subject to the following conditions:

- a. Minimum parcel size and lot-dimension configuration must be adequate to permit a runway easement of at least two hundred and fifty (250) feet by two thousand (2,000) feet.
- b. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.

7. Forestry: Forestry, including commercial logging operations, clearing, or destruction of forested or wooded areas, selective cutting or clearing for commercial or other purposes, or clearing of vegetation. This discretionary special land use may be permitted in all zoning districts, subject to the following standards and regulations:

- a. Clear-cutting of all vegetation shall not exceed areas of more than five (5) acres or more than twenty percent (20%) of the forest, whichever is less, except where pursuant to a state forestry cutting program or where Class I, II or III agricultural soils are to be converted to agricultural uses.
- b. A reforestation program shall be submitted which shall show a program for re-establishment of the forest on a sustained-yield basis, except where clearing is for agricultural use as in (a) above.
- c. For commercial uses, a long-range cutting program shall be submitted to insure that the forest is retained as an entity during the entire program. Such a program shall indicate the condition of the forest on a map showing:
 - i. Adjoining lands and neighbors.
 - ii. The year of each cutting and reforestation.
 - iii. Species of trees in reforestation.
- d. For clearing purposes, the proposed future use must be stated if any is identified.

- e. All plans shall show how the general habitat and visual block of the forest is to be maintained so that the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.
 - f. Post a bond to insure reforestation.
 - g. Sign an agreement to be recorded that no cutting or clearing shall be considered to reduce the area of forest for any development.
8. Agricultural Use of Land: The agricultural use of land as defined in Section (definition of a farm) may be permitted in all zoning districts, subject further to the following conditions:
- a. Where the land is presently not used for any agricultural use whatsoever, is less than forty (40) acres in size, and is contiguous to a residential development on two or more sides, agricultural uses other than the growing of a field crop shall not be permitted.
 - b. If at the time of the passing of this ordinance, the land is not used for the commercial raising of cattle or other farm animals, such use cannot be permitted if the land is contiguous to an area which is developed for any non-farm use whatsoever and in the opinion of the Board of Appeals, cannot be used without adversely affecting the interests of adjacent property owners.
9. Publicly Owned and Operated and/or Service Facility: A structure or structures used in conjunction with a public utility or other public service function may be permitted in any zoning district, except as further provided:
- a. Any facility which may have offensive odors or is otherwise unsightly shall have a land area sufficiently large enough to overcome any potential detrimental impacts of odors or unsightliness. This determination will be made by the Planning Commission as a function of the approval of the site development plan.
 - b. Where there are potentially offensive odors, noise or air pollution, the facility which is the cause of these emissions shall not be situated within one thousand (1,000) feet of a lot line in the direction of the prevailing summer wind pattern and three hundred (300) feet from all other lot lines.
 - c. Where there are potentially unsightly conditions associated with the use, no use of land by said unsightly conditions may be

located within three hundred (300) feet of any lot line. Other appropriate measures will also be employed to screen unsightly land uses.

- d. The Planning Commission may determine that such a facility, if approved, must have access to a paved street.

SECTION 11.06 REVOCATION OF PERMIT

After the granting of a Discretionary Special Land Use, the City Council may revoke said Discretionary Special Land Use for non-compliance with any condition attached thereto or for just cause. In the event said Discretionary Special Land Use is revoked, the owner of the property shall immediately cause the land area to be rehabilitated in the case of Section 11.04 and 11.05 above. In the case of any other special land use, cause same to cease and desist their land use activity. Resumption of land use activity may only occur as a result of reapplication pursuant to Section 11.02.

SECTION 11.07 LIEN FOR NON-COMPLIANCE

In the event the owner does not comply with the provisions of Section 11.06 above within a reasonable time, the City Council may cause the work to be done in the amount established for rehabilitating said areas to their former condition, or as approved in a site development plan by the Planning Commission, and the cost of same shall be assessed against the property on the next general assessment role.

SECTION 11.08 VARIATIONS, EXCEPTIONS AND MODIFICATIONS

Variations, exceptions and/or modifications of these requirements may be made by the City Council in specific cases where it is deemed that conditions unique to the property proposed to be used justify said exceptions and/or modifications.

ARTICLE 12

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

SECTION 12.01 STATEMENT OF PURPOSE

The purpose of this article is to provide a framework for bringing about a planned and harmonious arrangement of various housing types, together with supporting ancillary uses. More livable and imaginative housing environments offering housing accommodations which include all housing types could be accomplished through the unit treatment of a parcel of land when the parcel of land has unique features that can best be preserved through the design flexibility offered by the Planned Residential Unit Development approach. In addition to creating a diversification of housing types, environmental improvements can be created by relating individual site characteristics of various housing types to the topography of the site through the provisions of common open spaces, through the provision of common recreation facilities, and by economics in design and land development which are made possible by the Planned Residential Unit Development approach to land development.

It is not the intent of this article to permit a greater number of dwelling units per acre than would normally be achieved within a specified residential zoning district.

SECTION 12.02 ADMINISTRATION

The Planning Commission is hereby authorized to administer the provisions of this article.

SECTION 12.03 QUALIFYING CONDITIONS

The owner of a parcel or tract of land may apply to the Planning Commission for approval of a Planned Residential Unit Development when said parcel or tract of land meets the following requirements:

1. Area Requirements:
 - a. For Low Density Residential (LDR) zoned districts; the minimum size of a parcel or tract of land for which a Planned Residential Unit Development may be considered shall not be less than forty (40) acres.
 - b. For Medium Density Residential (MDR) zoned districts; the minimum size of a parcel or tract of land for which a Planned Residential Unit Development may be considered shall not be less than twenty (20) acres.

- c. For High Density Residential (HDR) zoned districts; the minimum size of a parcel or tract of land for which a Planned Residential Unit Development may be considered shall not be less than five (5) acres.

2. Plan Documentation:

Pursuant to the above, the owner of a parcel or tract of land shall submit a tentative sketch plan to the Planning Commission. The owner may also submit said sketch plan concurrently with a petition for rezoning to the Planning Commission, if such is deemed necessary. Said sketch plan shall contain the following information:

- a. The unique aspects of the site that can best be preserved by development within the PRUD approach.
- b. Proposed land uses and types of structures. This is to include a description of the specific numbers of housing types and the bedroom composition of all housing units.
- c. Proposed vehicular circulation.
- d. General location of open space.
- e. General location of utilities, easements and other service facilities.
- f. If the development is to be in stages, an indication as to the order of and time of development.
- g. Landscaping and screening plans.
- h. Other pertinent information as may be required by the Planning Commission.
- i. A legal description of the property.

SECTION 12.04 PLANNING COMMISSION REVIEW PROCEDURE

Following submission of the information required under Section 12.03 hereof, the Planning Commission shall review the proposal and shall advise the applicant in writing as to the following:

- 1. That the proposal fails to meet the standards and objectives set forth in this section.

2. An identification of those standards which, in the opinion of the Planning Commission, the proposal fails to achieve, together with any recommendations as to how the proposal could be modified to conform with the standards and objectives set forth in this section.
3. Additional plans and data to be submitted with the formal submission.
4. A market study indicating support for all proposed development activities.

SECTION 12.05 FORMAL APPLICATION PROCEDURES

Upon receipt of written notification provided for in Section 12.06, the applicant may file a formal application for approval of a Planned Residential Unit Development. The application shall include the following:

1. A legal description of the property included within the proposed plan, together with a current attorney's opinion regarding the abstract of the land in question.
2. Ten (10) complete sets of a development plan, one of which shall be a reproducible copy showing the following:
 - a. A site plan showing the use relationship of all structures to each other, open space relationships, parking areas, and other facilities intended to serve the development.
 - b. A tabulation on the site plan indicating the percentage of the total land area which is occupied by buildings, streets, driveways, parking areas, sidewalks, recreation areas, and landscaped areas.
 - c. A landscape plan showing the proposed treatment of all open space and parking areas, cross sections where it is necessary to indicate special treatment of such parking areas, and in particular to indicate screening applications. The landscape plan shall indicate proposed topographical changes, preferably at two (2) foot contour intervals.
 - d. Vehicular pedestrian access patterns such as curb cuts, driving lanes, on-street and off-street parking areas with the number of parking spaces, pedestrian walks, malls and public transportation loading areas. The methods to be employed for facilitating receipt of goods and services to the site and in particular the manner of refuse disposal.
 - e. Typical dwelling unit floor plans together with a tabulation of the various types of dwelling units, bedroom composition and floor areas.

- f. Architectural elevation of all building types.
- g. A preliminary plat where required by the Planning Commission.
- h. Copies of all proposed easements and dedications.
- i. Schedule of proposed developments and construction timetable.
- j. Evidence that the applicant can obtain financial guarantees to complete each of the phases once started.

SECTION 12.06 FINAL APPROVAL PROCEDURES AND PUBLIC HEARING

Within ninety (90) days of the filing of the formal application pursuant to Section 12.05, the Planning Commission shall hold a public hearing. Said public hearing shall be held in accordance with the requirements of Act 207 of the Public Acts of 1921, as amended from time to time.

No building permit shall be issued until:

- 1. The Planning Commission has approved the plan and each page and document comprising the plan has been initialed and dated by the Chairman or the Secretary of the Planning Commission, together with all persons owning an interest in the land. Any modifications made to the plan, whether before or after final approval, shall likewise be initialed by the above stated persons.
- 2. Any necessary rezoning has been completed.
- 3. All preconditions stipulated by the Planning Commission have been fulfilled.
- 4. The City has received copies of financial assurances to the satisfaction of the City that the entirety of a phase, once commenced, will be completed in accordance with the approved plan.

SECTION 12.07 MODIFICATIONS

Requests for modifications of any of the provisions of the approved Planned Residential Unit Development plan shall be submitted in writing. The Planning Commission, in making such determination, shall address itself to the following:

- 1. Any change in the character of the development.
- 2. Any increase in the density of the development.
- 3. Any increase in land coverage by building and other structures.
- 4. Any basic change in the street pattern and its points of intersection with existing public streets.

5. Any reduction in approved open space, natural features preservation, off-street parking, or reduction of ancillary uses.

If the Planning Commission determines that the modification is substantial, it shall hold a public hearing in the manner required under Section 12.06 before approving or disapproving the proposed modification.

SECTION 12.08 USES PERMITTED

The following provisions shall apply relative to the uses permitted in each of the residential districts:

1. For Low Density Residential (LDR) districts: Any form of housing (dwelling) unit is permitted, as further provided:
 - a. Not more than fifty percent (50%) of the land area shall be devoted to multiple family dwelling units and not more than twenty-five percent (25%) of the total number of dwelling units in the project shall be comprised of dwelling units located in multiple family structures.
 - b. In determining the type of residential structures and housing types to be built, the Planning Commission will have regard to the Housing Distribution Strategy described in the Housing and Residential Plan section of the Waterfront Areas Management and City Master Plan.
 - c. All of the dwelling units collectively shall represent a range of one, two and three bedroom units. Generally, this shall be achieved as follows:
 - i. For single family detached housing: no requirements.
 - ii. For multiple family structures or single family attached dwelling units, the following ranges:

Efficiency and One
Bedroom Units - Up to 40% of these units
Two Bedroom Units - 25% to 75% of these units
Units with Three
or More Bedrooms - Minimum of 05% of these units
 - d. An initial phase of development must include single family detached units. The number will be determined through negotiations between the applicant and the Planning Commission.
2. For Medium and High Density Residential (MDR & HDR) districts: Any form of multiple family dwelling units, except as further provided:

- a. A representative sample of housing structures from clustered single family detached structures, to single family attached structures (townhouses) and garden apartments (walk-ups and elevator). The distribution will be mutually agreed to between the applicant and the Planning Commission and will be supported by a market study.
- b. A representative sample of various bedroom composition from efficiencies through units with three or more bedrooms, generally within the following ranges:

Efficiency and One

Bedroom Units - Up to 50% of these units

Two Bedroom Units - 40% to 80% of these units

Units with Three

or More Bedrooms - Minimum of 05% of these units

3. Accessory Uses: When the same have been included and approved by the Planning Commission in the final development plans. Accessory uses shall be deemed to include garages, landscaping, recreational uses when used solely for the purposes of the occupants of the Planned Residential Unit Development, schools and churches. Accessory commercial uses may be permitted by the Planning Commission when said commercial uses are for the purpose of providing a convenience to the occupants of the Planned Residential Unit Development and are located so that they are not accessible directly to a public street, and provided that the Planning Commission determines that there will be no adverse effect upon the residential units.
4. Name plates, ornamental identification gateways, or similar uses which identify the Planned Residential Unit Development, and any accessory uses therein, may be permitted by the Planning Commission. When so permitted, these shall be identified upon the plans of the Planned Residential Unit Development.

SECTION 12.09 STANDARDS: AREA REQUIREMENTS

Compliance with the criteria established in Section 12.03 shall be required.

In the case of all minimum sized parcels or tracts of land, the sites shall consist of contiguous gross areas to be developed as a single integrated unit under single ownership or by a group or owners acting jointly.

SECTION 12.10 STANDARDS: BUILDING REQUIREMENTS

1. The maximum height that shall be permitted is two and one-half (2½) stories, except as otherwise varied by the Planning Commission.

2. No townhouse shall consist of more than six (6) contiguous units and no one unit shall be less than eighteen (18) feet wide from center of common wall to center of common wall.

SECTION 12.11 STANDARDS: OPEN SPACE REQUIREMENTS

Common open space shall be provided as follows:

1. For single family detached units, each square foot of lot area reduction below that prescribed for single family dwelling units in the district, pursuant to Section 10.01, Schedule of Regulations, shall be allocated for a common space area.
2. For multiple family dwelling units the regulations prescribed in Article 10, Schedule of Regulations, for multiple family districts shall apply, except that by clustering said permitted structures the number of dwelling units in any one area may exceed that provided on a parcel-by-parcel basis.
3. Land gained through reduction of lot area, clustering of structures and buildings, and common parking areas shall be devoted to common space which is readily accessible from the lots from which the land is gained. Together with the final application for the proposed Planned Residential Unit Development, there shall be submitted an easement dedication which shall purport to insure the continued use of such open space for the sole benefit of the owners and/or occupants of dwellings located within the site of the Planned Residential Unit Development. The owner may elect to dedicate the land for public open space, provided the City Council agrees to accept the land, and in such case a deed conveyance to the City shall be required.
4. Land set aside for the enjoyment of the subdivision residents from which it originated shall be developed to the satisfaction of the Planning Commission to insure a minimum level of development. The Planning Commission may require a bond to guarantee development of the open space.
5. In the event such open space is to remain in common to the owners and/or occupants of dwellings located within the Planned Residential Unit Development, said easement dedication shall provide that in the event this open space is not adequately maintained, the City of Charlevoix shall be entitled to enter upon the property to carry out improvements as required and to make such assessments as are required to pay these costs against the owners of the dwellings located within the Planned Residential Unit Development.
6. When approved by the City Council, such easement shall be duly executed and recorded with the County Register of Deeds.

7. The open space provided for in this section shall be limited to the uses indicated on approved site plans. Modifications thereto may be made by the Planning Commission on application by an association of the owners and/or occupants.

SECTION 12.12 STANDARDS: MAXIMUM NUMBER OF BEDROOMS

1. The maximum number of bedrooms shall be computed on the basis of the density constraints imposed by the Low, Medium and High Density Residential(LDR, MDR & HDR) District provisions, Section 10.01, Schedule of Regulations. Depending upon which district the Planned Residential Unit Development is to be situated in, the maximum number of bedrooms shall be computed on the basis of the density permitted by that district.
2. In the event a Planned Residential Unit Development is situated in two or more zoning districts, the Planning Commission shall compute the maximum number of bedrooms to be permitted on the basis of the cumulative densities permitted by each district within which the Planned Residential Unit Development lies. The Planning Commission shall advise the applicant in writing as to the result of this computation.

SECTION 12.13 STANDARDS: LOT SIZE AND YARD REQUIREMENTS

1. Spacing between various types of structures shall be computed on the basis of Section 10.01, Schedule of Regulations, except that the following minimums shall be required:
 - a. Townhouses shall have a clear unobstructed rear yard of not less than twenty-five (25) feet.
 - b. No building or structure shall be erected closer than twenty (20) feet to any public or private right-of-way.
 - c. No building or structure shall be erected closer than twenty-five (25) feet to any peripheral lot line, or outside boundary line.
 - d. One and two family dwelling units shall not be located nearer than five (5) feet to side lot lines.
 - e. Structures containing more than two dwelling units shall not be located nearer than twelve (12) feet to side lot lines.
 - f. Where there are no defined lot lines, the space between buildings shall not be less than one-half ($\frac{1}{2}$) the height of the tallest adjoining building.

- g. Site Development Plan review is a function of the above and as such these standards may be varied by the Planning Commission.
- 2. In the case of single family, two family, and townhouse dwelling units, the following minimum lot areas are required:
 - a. Single detached dwelling unit - 5,000 sq. ft./dwelling unit
 - b. Two family dwelling unit - 3,600 sq. ft./dwelling unit
 - c. Townhouse dwelling unit - 2,000 sq. ft./dwelling unit

SECTION 12.14 STANDARDS: TRAFFIC

Traffic arteries within the Planned Residential Unit Development shall be developed as public streets, however, access ways affording ingress and egress to common parking areas and clustered dwelling units by private ways are herewith permitted.

Other aspects of the plan relevant to traffic and its possible adverse affects on adjoining neighborhoods is a function of Site Development Plan Review by the Planning Commission.

SECTION 12.15 STANDARDS: PUBLIC FACILITIES

Every Planned Residential Unit Development shall be located in an area adequately served by public sewer and water systems.

SECTION 12.16 STANDARDS: DRAINAGE AND SOIL EROSION

The Planning Commission shall satisfy itself that the development has made adequate provision for surface drainage. In this respect, the Planning Commission may refer the plans to an engineer for a determination thereof, pursuant to Section .

SECTION 12.17 STANDARDS: SCREENING

The Planning Commission, at its discretion, shall require appropriate screening, such as masonry walls or plantings, sufficient to protect the character of the adjoining properties and in certain cases, afford protection to the Planned Residential Unit Development where it abuts incompatible land uses.

ARTICLE 13

SITE DEVELOPMENT PLAN APPROVAL PROCESS

SECTION 13.01 STATEMENT OF PURPOSE

The purpose of the Site Development Plan Approval Process is to maintain and enhance the integrity and environmental quality of development in the City of Charlevoix. This is to be achieved by requiring sponsors of projects, subject to Site Development Plan Approval, to submit their plans to the City of Charlevoix Zoning Administrator for approval as herein provided.

A comprehensive set of guidelines and regulations providing for the submission of Site Development Plans to achieve the goals of the community and to enhance environmental quality will be made available to each applicant whose projects are subject to Site Development Plan Approval. The purpose of the Site Development Plan Approval process is further intended to minimize the possibility of adverse effects upon adjacent property, and to ensure proper relationships between development features as they relate to; traffic safety, service roads, driveways, parking areas, accessory buildings and uses, open spaces, and to carry out the recommendations of the Waterfront Areas Management and City Master Plan. To these ends, the City Council is hereby empowered to establish procedures, standards and mechanisms whereby applicants are required to submit for approval, Site Development Plans to the satisfaction of the Planning Commission which in turn will advise the Council on appropriate resolution of the plan, prior to the issuance of a building permit.

SECTION 13.02 SITE DEVELOPMENT PLAN DEFINED

For the purposes of this article, Site Development Plan means and includes all physical and natural changes expected to be made to the site. Plans shall be submitted which clearly define how the site will be altered by the proposed development. The plans will clearly show the placement of all buildings proposed for the site, their relationship to all lot lines, and adjacent land uses. The plans will also clearly demonstrate pedestrian and vehicular circulation on and through the site of the building. The plans will also show how utilities to and from the site will be handled and all other pertinent relationships necessary to achieve the objectives of the Statement of Purpose. Site plan submissions for special and discretionary land uses will also show how the intent of the Waterfront Areas Management and City Master Plan is being affected.

SECTION 13.03 DEVELOPMENT SUBJECT TO SITE DEVELOPMENT PLAN REVIEW PROCEDURES AND REGULATIONS

The Zoning Administrator shall not issue a building permit for the construction of a building in any district except as otherwise provided, until Site Development Plans have been submitted to the City Planning Commission, which in turn

will recommend appropriate action to the City Council. The City Council may approve, approve with conditions, or deny the application. In the event of denial, the Council will set forth the reasons for said denial and what the applicant must do to obtain approval.

A Site Development Plan application shall be submitted to the City of Charlevoix Zoning Administrator when any of the following conditions exist:

1. With the exception of one and two family detached dwelling units and related accessory buildings, all other buildings, structures and uses of land are subject to Site Development Plan review and approval, and as further provided in each Article.
2. Any change of use to a building or structure or change in land use which requires off-street parking in addition to that already provided is subject to Site Development Plan review and approval.
3. Any building addition or accessory building which requires off-street parking in addition to that already provided is subject to Site Development Plan review and approval.
4. In the event of changes of use and building additions which increase the volume of business, amount of customers, or use of the entire site area over and above the previous land use activity, the Planning Commission may determine to utilize any of the review standards and criteria provided in this section and apply same to the entire site area.
5. To determine if the development strategy as specified in the Waterfront Areas Management and City Master Plan regarding shoreline management, housing distribution, and other use emphases is being achieved as provided in said plan.

SECTION 13.04 SITE DEVELOPMENT PLAN STANDARDS

The Planning Commission shall have regard to the following design standards and criteria. Its decision to recommend to the City Council approval, approval with conditions, or to recommend disapproval will be based upon guidelines described below:

1. Building Arrangement(s):
 - a. The arrangement of proposed buildings and structures in relationship to adjacent buildings and structures, accounting for such features as scale and design compatibility.
 - b. Where more than one building is proposed, the arrangements of buildings and structures relative to one another. This shall account for such features as scale and design compatibility,

and circulation of light and air; provision for adequate access to and around buildings for fire and police protection and services; the establishment of pleasant vistas and arrangements conducive to enhancing the environmental quality of the site; and the extent to which impervious ground cover is reduced and the destruction of natural features which otherwise contribute to the environmental quality of the site.

- c. The arrangement of a single building or structure to likewise accomplish the objectives described above where applicable.

2. Natural Features Modifications:

- a. The extent to which the natural features of the site or parcel of land to be developed will be modified, changed or altered, including all cut and fill activities, removal of vegetation, alteration of water bodies, wetlands (both seasonal and permanent), and floodplain areas. Shoreline projects will show how the project is intended to help achieve the management objectives identified in the Waterfront Areas Management and City Master Plan.
- b. The extent to which development of the site will alter the habitat of wildlife or alter the quality and quantity of wildlife.

3. Vehicular and Pedestrian Circulation:

- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- b. ~~The traffic~~ circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relations between the development on the site and the existing and prospective development or contiguous land and adjacent neighborhoods, including the provision of landscaping techniques to screen parking lots from attendant noise and glare from headlights.

- c. The Planning Commission, with the approval of the City Council, may institute a limited access and service drive policy in connection with developments facing onto major thoroughfares. To carry out the policy incrementally, which may require temporary driveways to certain properties, the Planning Commission may recommend that money in escrow, or a bond acceptable to the City, be placed with the City to pay the costs of developing a service drive equal in width to the frontage of the property in question. The Planning Commission may require the owner thereof to place an easement restriction on this land guaranteeing its future use as a service drive when it is determined appropriate to terminate temporary driveways and institute the limited access policy.

4. Building Characteristics and Architectural Relationships:

- a. The Planning Commission may require the submission of floor plans for the purposes of permitting an assessment of population holding capacity and people generating characteristics.
- b. The Planning Commission may require the submission of architectural plans for the purposes of permitting an assessment of compatibility with the surrounding community.

5. Signs and Lighting:

- a. Notwithstanding the provisions of the City's Sign Ordinance, the Planning Commission shall determine the appropriateness of all on-site signs with respect to their impact on vehicular circulation and compatibility with the surrounding community.
- b. The Planning Commission may require that the site, when developed, be adequately lighted and in this regard, will give particular attention to the lighting of large parking lot areas to discourage criminal activity.

6. Utilities:

- a. The Planning Commission will assess the adequacy of essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, utilities, and schools.
- b. In the absence of adequate public storm drainage systems, the Planning Commission may require on-site retention basins or other storm drainage related appurtenances to delay discharge into the public system, or adjacent bodies of water.

7. Landscaped Improvements and Screening:

- a. The Planning Commission may further require landscaping, fencing, screening, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- b. The Planning Commission shall assess the adequacy of all types, location, and number of plant materials shown on the Site Development Plans which shall include details of planting requirements.
- c. Other landscaping treatment shall likewise be depicted on the plan including hardsurfaced or aggregate material used in the landscape theme, fountains, sculpture or other features used as part of the landscaping plan.
- d. The Planning Commission may alter the total landscape plan if it can show cause. It may require additional planting material when said planting is to facilitate a visual screen or to block the transmission of noise, fumes, or other matter which may be objectionable to the public.
- e. The plans as submitted and approved, or as approved with conditions, shall not be otherwise modified unless after application for reconsideration the Planning Commission agrees to such modifications. Failure to comply with the approved plan is cause for the City to cause said plan to be implemented, except as otherwise provided in Section 13.06, and to make such assessments as are required to pay for the costs of the improvements against the owner.

SECTION 13.05 ACCOMPANYING DOCUMENTATION, MATERIALS AND FEES

Every plan submitted for Site Development Plan approval shall contain such information and be in such form as the Planning Commission may prescribe in its "Rules for Site Plan Submission", copies of which shall be made available on request from the City Zoning Administrator.

Fees for review of Site Development Plans shall be established by resolution of the City Council.

SECTION 13.06 FINANCIAL GUARANTEES

The Planning Commission may require the applicant to furnish the City with financial or other guarantees to assure that in the event the plan improvements are not made, for whatever reason, the City is in a position to complete the improvements. The financial guarantee may take the form of a cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit.

SECTION 13.07 ENVIRONMENTAL REVIEW

The Planning Commission may require the applicant to prepare and submit an environmental review of the potential and probable impacts of the project, if established. Said environmental review will include an analysis of the physical, natural and biological elements that will or may be changed by the project. The review shall be made by persons qualified to conduct such reviews and who have no conflict of interest in the matter. The Planning Commission shall require the applicant to mitigate adverse environmental impacts at no cost to the City.

SECTION 13.08 PRELIMINARY SITE DEVELOPMENT PLAN

An applicant for Site Development Plan approval may request a Preliminary Site Development Plan approval from the Planning Commission. Generally, the conditions of Section 13.05 must be complied with, however, a Site Development Plan may be submitted which does not fully take into account all of the detailed calculations necessary for final Site Development Plan approval. The Rules for Site Plan Submission, referenced in Section 13.05, shall provide for the type of documentation and materials necessary to obtain a Preliminary Site Development Plan approval.

SECTION 13.09 COMMITMENT OF APPROVAL OF PRELIMINARY SITE DEVELOPMENT PLAN

1. Duration, Termination and Extension -- Approval of a Preliminary Site Development Plan by the Planning Commission shall remain firm for a period of one (1) year, during which time the applicant shall submit for approval a Final Site Development Plan conforming substantially with the approved Preliminary Site Development Plan and fulfilling the requirements for Final Site Development Plans. Failure to so submit a Final Site Development Plan shall be considered abandonment of the Preliminary Site Development Plan and shall make its approval null and void. If extended approval of an outdated Preliminary Site Development Plan is desired, a new application shall be made to the Planning Commission who will reconsider the plan in the light of regulations and conditions then existing. The Planning Commission may grant an extension not to exceed one (1) year. No further extension may be permitted.
2. Final Site Development Plan for Portion of a Site -- A Final Site Development Plan may be submitted for less than the entire area covered by a Preliminary Site Development Plan, provided:
 - a. That any Final Site Development Plan covers at least twenty-five percent (25%) of the area of the approved Preliminary Site Development Plan, unless otherwise approved by the Planning Commission.

- b. That sufficient land area is included around each building to assure that the building functions properly.

3. Automatic Extension of Preliminary Site Development Plan Approval -- Approval of a Final Site Development Plan covering a portion of the area of an approved Preliminary Site Development Plan shall automatically extend the approval of the remainder of the Preliminary Site Development Plan for one (1) year after the date of submission of the partial Final Site Development Plan.

SECTION 13.10 FINAL SITE DEVELOPMENT PLAN

The Planning Commission will base its recommendation for approval of Final Site Development Plans upon a showing of substantial conformity with the Preliminary Site Development Plans and compliance with Section 13.05 and its Rules for Site Development Plan Approval.

SECTION 13.11 COMMITMENT OF APPROVAL OF FINAL SITE DEVELOPMENT PLAN

1. Duration, Termination and Extension -- Approval of a Final Site Development Plan by the City Council shall remain for a period of one (1) year, during which construction of the development covered by the Plan shall be initiated and carried on with reasonable diligence. If construction is not initiated within two (2) years from the date of approval of the Final Site Development Plan, such failure shall be considered abandonment of the Plan and shall render its approval null and void. If construction, once started under an approved Final Site Development Plan, is discontinued for a period of one (1) year, the undeveloped portion of the Plan shall be considered abandoned and its approval shall be null and void. If extended approval is desired for a Final Site Development Plan upon which construction is not started within two (2) years or for the uncompleted portion of a Site Development Plan, work upon which has been discontinued for one (1) year, a new application shall be made to the Planning Commission who will reconsider the Plan in the light of regulations and conditions then existing. The duration of any extension of approval recommended by the Planning Commission shall be determined by the City Council, but in no case shall it be more than one (1) year for any one (1) extension.
2. Modifications and Revisions -- Any substantial modification, revision or variance in the Site Development Plan approved, or approved with conditions by the City Council, shall be subject to review in accordance with the same procedure as required herein.

SECTION 13.12 CERTIFICATION AND RECORDATION

1. After reviewing the Site Development Plans recommendation from the Planning Commission, the Council shall certify the Plans as approved, approved with conditions, or not approved.

- a. Certification of Approved shall mean that the zoning administrator may issue a building permit to carry out the work indicated on the plans.
 - b. Certification of Approved With Conditions shall mean that the City Council shall list on the plans changes it will require to approve the plans. If the applicant accepts these changes as required work, the zoning administrator may issue a building permit to carry out the work along with the changes indicated on the plans.
 - c. Certification of Not Approved shall mean that the City Council shall inform the applicant and zoning administrator why the plans must be resubmitted for review.
2. After the Site Development Plans have been certified by the City Council, one (1) copy shall be filed with the zoning administrator, the City Clerk and the applicant.

ARTICLE 14

OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 14.01 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts, except as otherwise provided, automobile off-street parking space. Automobile off-street parking space shall be provided at the time of erection or enlargement of any building or structure. Where the nature of the enlargement is of such magnitude as to effect the ratio of parking that was then required for the existing structure, the Planning Commission may apply the standards of off-street parking to the entire building. All automobile off-street parking spaces shall be accessible from a common approach lane except in those situations where attendant parking is provided with the approval of the Board of Appeals. The Board of Appeals shall be duly cognizant of adequate performance assurances and problems of occupancy changes.

The number of automobile off-street parking spaces, in conjunction with all land or building uses, shall be clearly available for use prior to the issuance of a certificate of occupancy as hereinafter prescribed.

SECTION 14.02 RELATIONSHIP TO REQUIRED YARDS

Off-street parking spaces may be located within a non-required side yard or rear yard and within the rear yard setback unless and except as otherwise provided in this ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this ordinance.

SECTION 14.03 LOCATION OF PARKING LOT

Off-street parking for other than a residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the off-street parking lot. All lots or parcels intended for use as parking by a single applicant shall be owned by the same party, except as otherwise provided.

SECTION 14.04 RESIDENTIAL LOCATION

Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve and are subject to the provisions of Section , Accessory Buildings, of this ordinance.

SECTION 14.05 OTHER REQUIREMENTS

The following relationships and arrangements shall be observed:

1. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
2. Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
3. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. An instrument duly recording this arrangement shall be filed with the zoning administrator.
4. In the instance of dual function of off-street parking spaces where operating hours of the buildings do not overlap, the Zoning Board of Appeals may allow the parking requirements of one building to be applied to another.
5. The storage of merchandise, motor vehicles for sale, trucks or repair vehicles is prohibited.
6. For those not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers is similar in type.
7. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.

SECTION 14.06 REQUIRED OFF-STREET PARKING SPACES

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF USE
<u>Residential:</u>	
1. One Family & Two Family	Two (2) for each dwelling unit.
2. Multiple Family	Two (2) for each dwelling unit plus one (1) space for each two dwelling units.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF USE
<u>Residential (Continued):</u>	
3. Elderly Housing	One (1) for each one (1) unit. Should units revert to general occupancy, multiple family standards shall be met.
4. Mobile Home Park	Two (2) for each mobile home site, plus spaces for any management and rental or sales office space pursuant to office space requirements.
5. Residential Units In Commercial Districts	One (1) for each one (1) dwelling unit, plus one (1) for each bedroom in excess of one (1) per unit.
6. Boarding and/or Tourist Home	One (1) for each one and one-half (1½) sleeping rooms.
<u>Institutional and Recreational:</u>	
1. Churches or Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
2. Hospitals	One (1) for each one (1) bed.
3. Homes for the Aged and Convalescent Homes	One (1) for each four (4) beds.
4. Elementary and Junior High Schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.
5. Senior High Schools	One (1) for each one (1) teacher, employee or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
6. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OR USE
<u>Institutional & Recreation (Cont'd)</u>	
7. Private, Semi-Private, Golf Club, Swimming Pool Clubs, Racquetball/ Handball Tennis Clubs, or Other Similar Uses	One (1) for each two (2) member families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.
8. Golf Courses Open to the General Public, except Miniature or "Par 3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
9. Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
10. Stadium, Sports Arena, or Similar Place of Outdoor Assembly	One (1) for each three (3) seats or six (6) feet of benches.
11. Theaters and Auditoriums	One (1) for each three (3) seats, plus one (1) for each two (2) employees.
12. Nursery School, Day Nurseries, or Child Care Centers	One (1) for each one hundred fifty (150) square feet of usable floor space.
<u>Business and Commercial:</u>	
1. Planned Commercial or Shopping Center in which the prime tenant is a Supermarket and/or Department Store	One (1) for each sixty-six (66) square feet of usable floor area.
2. Auto Wash (Automatic)	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty

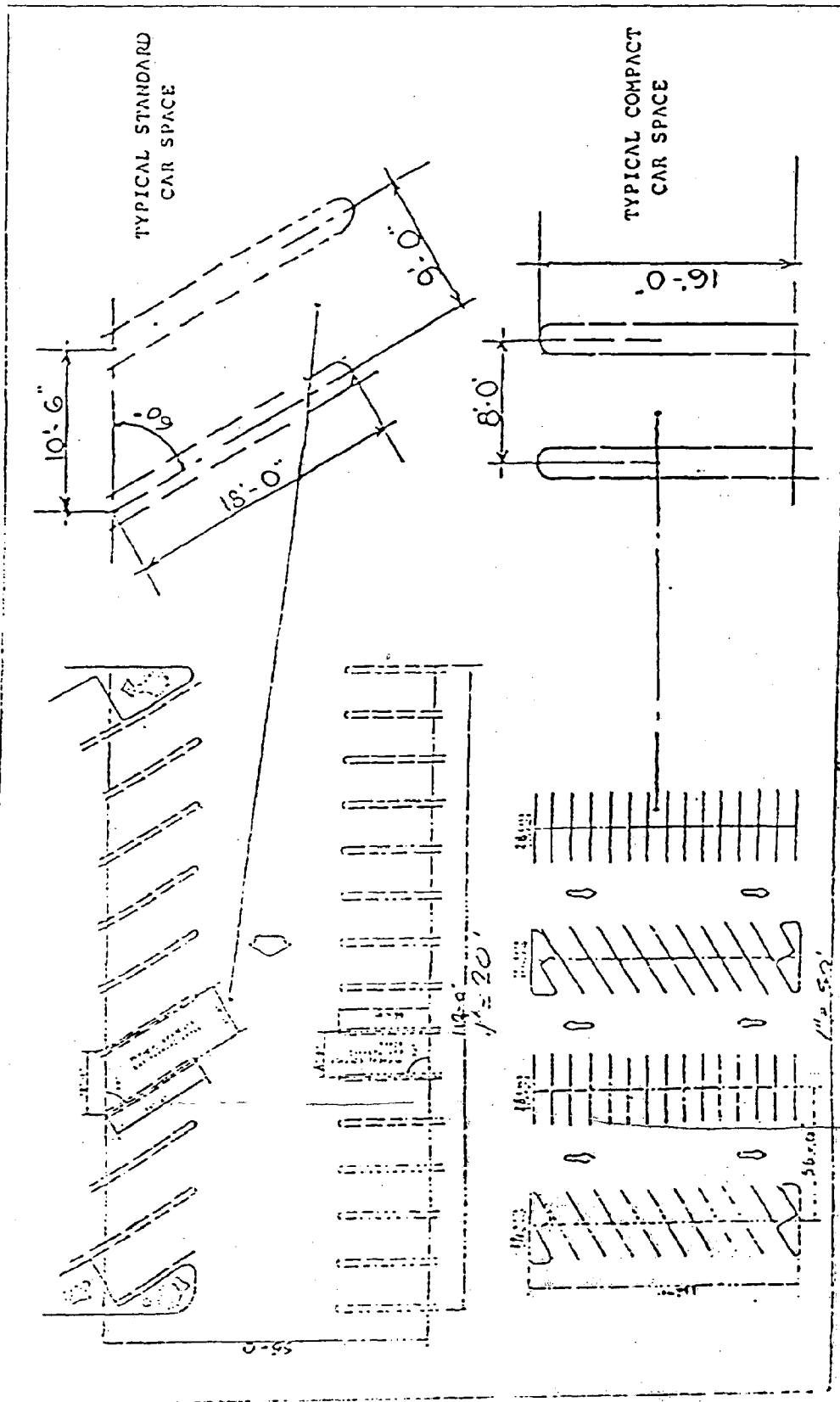
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OR USE
<u>Business & Commercial (Cont'd)</u>	
3. Auto Wash (Self-Service or Coin Operated)	Five (5) for each washing stall in addition to the stall itself.
4. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
5. Bowling Alleys	Five (5) for each one (1) bowling lane plus spaces required by other uses such as bars and restaurants.
6. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
7. Sit-Down Restaurants	One (1) space for each sixty-five (65) square feet of gross floor area.
(a) Type A	
(b) Type B	
8. Carry-Out and Drive-In Restaurants	One (1) space for each thirty-five (35) square feet of gross floor area.
(a) Drive-In	
(b) Carry-Out	
9. Food Stores	One (1) space for each two hundred fifty (250) square feet of gross floor area.
10. Furniture and Appliance Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair, and Other Similar Uses	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein).

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OR USE
<u>Business & Commercial</u> (cont'd)	
11. Automobile Service Stations	Two (2) spaces for each lubrication stall, rack or pit, and one (1) space for each gasoline pump.
12. Laundromats and Coin Operated Dry Cleaners	One (1) space for each two (2) washing and/or dry cleaning machines.
13. Liquor Stores	One (1) space for each three hundred fifty (350) square feet of gross floor area.
14. Mortuary Establishments	One (1) space for each fifty (50) square feet of usable floor space.
15. Minature or "Par 3" Golf Courses	Three (3) spaces for each one (1) hole plus one (1) space for each one (1) employee.
16. Motel, Hotel, or Other Commercial Lodging Establishments	One (1) space for each one (1) occupancy unit, plus one (1) space for each one (1) employee, plus spaces required by other uses such as bars and restaurants.
17. Motor Vehicle Sales and Service Establishments	One (1) space for each two hundred (200) square feet of usable floor space of salesroom and one (1) space for each one (1) auto service stall in the service room.
18. Retail Stores (except as otherwise specified herein)	One (1) space for each one hundred and fifty (150) square feet of usable floor space.
<u>Offices:</u>	
1. Banks	One (1) space for each one hundred (100) square feet of usable floor space.
2. Business Offices or Professional Offices (except as indicated in the following item 3)	One (1) space for each two hundred (200) square feet of usable floor space.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OR USE
<u>Offices (cont'd)</u>	
3. Professional Offices of Doctors, Dentists, or Similar Professions	One (1) space for each fifty (50) square feet of usable floor area in the waiting room, and one (1) space for each examining room, dental chair or similar use area.
4. Medical Center/Clinic	One (1) space for each two hundred fifty (250) square feet of gross floor area, but not less than the sum of the individual practitioner's offices contained in the Medical Center/Clinic.
<u>Industrial:</u>	
1. Industrial or Research Establish- ment, and Related Accessory Office	Five (5) spaces, plus one (1) space for every one and one-half (1½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Warehouses and Wholesale Establishments, and Related Accessory Offices	Five (5) spaces, plus one (1) space for every one (1) employee in the largest working shift, or one (1) space for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SECTION 14.07 CASH IN LIEU OF PARKING WHERE AUTHORIZED

The City Council, upon the recommendation of the Planning Commission, may determine that the number of spaces normally required at the time of erection or enlargement of any building or structure requiring off-street parking space pursuant to Section 14.06, shall be provided in the form of an amount of cash according to policy established by resolution of the City Council. In establishing such policy, the City Council shall take into account the current inventory and future needs of downtown parking, the method by which actual parking shall be provided through such cash payments in lieu of parking, and the amount of cash which shall be contributed in lieu of parking, taking into account the benefit to the private owner and to the public from such parking, which would subsequently be provided by the City. In implementing such policy, the City Council shall assure that the future needs for parking in the downtown area shall be adequately met by such cash payments in lieu of parking.



SECTION 14.08 OFF-STREET PARKING SPACE LAYOUT, STANDARDS,
CONSTRUCTION AND MAINTENANCE

Wherever off-street parking requirements, as provided above in Section 14.06, require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed until approved by the Planning Commission pursuant to Article 13, and until a permit is issued by the zoning administrator. Applications for a permit shall be submitted to the zoning administrator in such form as may be determined by the zoning administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with. Said plans may be included in the original Site Development Plan set.
2. Plans for the layout of off-street parking facilities shall generally be in accordance with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Space Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0° (parallel curb parking)	12'0"	8'0"	23'0"	20'0"	28'0"
1° to 53°	12'0"	9'0"	18'0"	30'0"	48'0"
54° to 74°	15'0"	9'0"	18'0"	34'6"	54'0"
75° to 90°	20'0"	9'6"	18'0"	38'0"	56'0"

Deviations from the foregoing table of parking configuration and stall/space size may be permitted by the Planning Commission at the Site Development Plan approval stage for automobiles with a smaller wheel base and overall size.

Except for parallel parking, all parking spaces shall be clearly striped and maintained with double lines twenty-four (24) inches apart to facilitate the orderly alignment of parked vehicles.

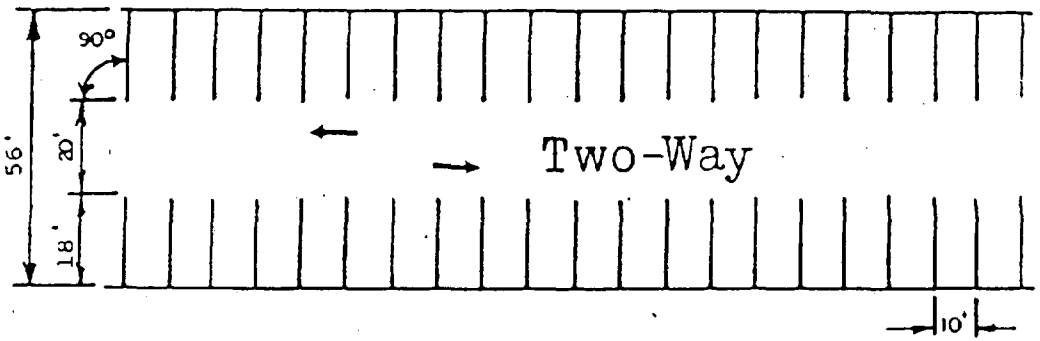
3. All spaces shall be provided adequate access by means of maneuvering lanes, except in those instances with attendant parking. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot in connection with a non-residential use opposite a single family residential district shall be discouraged.
5. Traffic shall generally adhere to directional movements shown on the following graphic description for parking lot configurations. Maneuvering lanes approaching angular parking spaces shall be one-way, whereas ninety degree (90°) parking spaces may be approached by two-way maneuvering lanes.
6. All commercial parking facilities and lots, and off-street parking in connection with any commercial or industrial use activity without security protection, shall be artificially lighted. Generally, lighting directed onto the parking lot from a building is inadequate and independent light standards within the parking lot are preferred. Lighting shall be of such intensity as to provide a minimum of one foot candle throughout the parking lot area. The parking lot construction plan set shall include a lighting plan.

Artificial lighting of off-street parking areas shall be provided in multiple family projects of substantial size. This determination shall be made by the Planning Commission pursuant to Article .

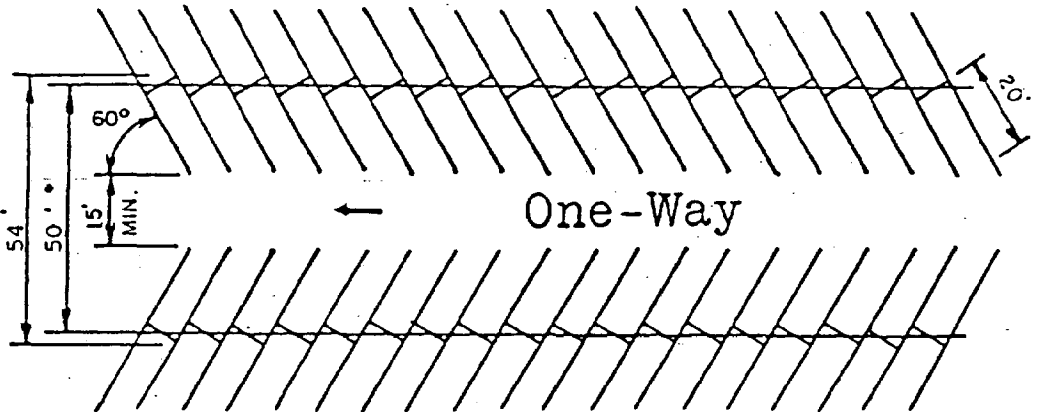
7. Each entrance and exit to and from any off-street parking lot located in any area zoned for other than single family residential use shall be situated at least twenty-five (25) feet from any adjacent property located in any single family residential district.
8. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

When a front yard setback is required, all land between said wall and the property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

90 Degree

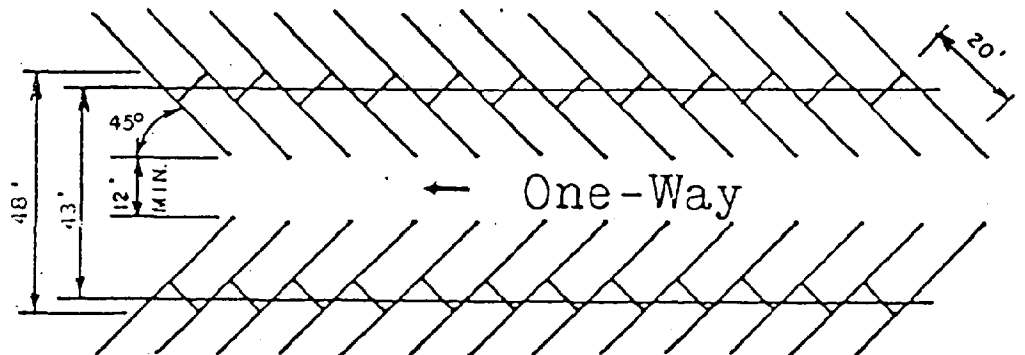


60 Degree



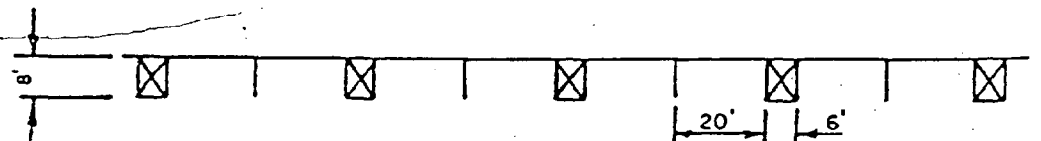
• OVERLAPPING DIMENSION

45 Degree



• OVERLAPPING DIMENSION
(Including Herringbone Pattern)

Parallel



PARKING LAYOUTS

9. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
10. The Board of Appeals, upon the application of a property owner, may modify the yard or wall requirements where in unusual circumstances no good purpose would be served by compliance with the requirements of this section.
11. The entire surface area of the parking lot, exclusive of landscape plant areas, shall be constructed with asphaltic, concrete surfacing, stonecrete, or other stable permeable surface when approved by the building inspector. The base and sub-base preparation, including surfacing, shall be constructed utilizing proper engineering standards or in accordance with adopted local construction standards. Adequate analysis of soil conditions shall be made to prevent the parking lot surface from premature deterioration.

Off-street parking areas shall be directly contoured to facilitate surface drainage. Storm waters shall not escape from the parking lot onto other adjacent property. Storm water shall be directed to a public storm sewer or drain system, or in the absence of the availability of one or the other, drainage tile beds and retention ponds shall be constructed.

SECTION 14.09 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure or part thereof involving the receipt of or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. This space is in addition to the required off-street parking space. Such space shall be provided as follows:

1. No space shall provide ingress or egress directly onto a public street, except for streets with Industrial Districts on both sides.
2. All spaces shall be laid out in the dimensions of at least a ten foot by fifty foot (10' x 50') minimum, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland Cement binder so as to provide a permanent, durable and dustless surface.

3. All spaces shall be provided as herein required:

<u>Gross Floor Area</u> <u>(in Sq. Ft.)</u>	<u>Loading and Unloading Space</u>
0 - 1,400	None
1,401 - 20,000	One (1) Space
20,001 - 100,000	One (1) space, plus one (1) space for each 20,000 sq. ft. in excess of 20,001 sq. ft.
100,001 - and over	Five (5) spaces

4. The size of the required loading space for retailing facilities in the square footage range less than 20,001 square feet may be reduced upon a showing that deliveries will be by single axle vehicles.
5. The Board of Appeals may permit a waiver of modification of the foregoing requirements where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shaped lot, topographical or other extraordinary conditions.

ARTICLE 15

PLANNED VARIATION AND SUBDIVISION
OPEN SPACE PLAN

SECTION 15.01 SUBDIVISION OPEN SPACE PLAN

Section 15.01.1 Purpose

The purpose of the Subdivision Open Space Plan is to encourage the proprietor of a subdivision to vary from conventional land subdivision design methods in order to promote the following objectives:

1. To encourage a continuous and interconnected open space theme throughout a subdivision of lot size reductions and lot clustering.
2. To encourage the preservation of natural features and areas of substantial woodlands.
3. To encourage a most cost-effective method of land development by substantial reductions in lineal feet of required roads.
4. To promote a more pleasing and environmentally conducive relationship between the physical environment of housing and supporting facilities and the natural environment.

Section 15.01.2 Modifications

Modifications to the standards prescribed in Article 10, Schedule of Regulations, in respect to the LDR and MDR residential districts may be made subject to the following conditions:

1. The lot area for single family detached housing units may be reduced up to twenty percent (20%), provided the dwelling unit density is no greater than if the land area to be subdivided is developed in the minimum square foot lot area required by Article 10, Schedule of Regulations and relevant footnotes.
2. Each lot, when developed, shall have the following minimum yards:

<u>FRONT YARD</u>	<u>SIDE YARDS</u>		<u>REAR YARD</u>
	<u>ONE STORY</u>	<u>MORE THAN ONE STORY</u>	
15	4	6	25

- a. The Planning Commission may take under advisement zero yard requirements, particularly in situations of a cul-de-sac street or other short streets.
 - b. Rear yards may be reduced to a zero yard when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet when measured at the point at which it abuts the rear yard of the adjacent lot.
3. The overall dimensions of each lot shall be sufficient to accommodate the proposed single family dwelling unit and accessory buildings in addition to the minimum required yards as herein set forth. For the purpose of determining that this condition is complied with, the area to be utilized for the main building and accessory buildings shall be shown on the preliminary plat for each lot of a subdivision being proposed for development under this Subdivision Open Space Plan technique. Approval of a plat for a Subdivision Open Space Plan shall not permit a subsequent variance from the requirements of this Section.
 4. For each square foot of land gained under the provisions of Item 1 above (within a residential subdivision) through the reduction of lot size below the minimum requirements as outlined, equal amounts of land shall be dedicated to the common use of the lot owners of the subdivisions in a manner approved by the Planning Commission.

For the purpose of determining the square foot area to be dedicated for park, recreation and/or related uses, the following calculations shall be indicated on the print of the preliminary plat:

- a. Total area of the Subdivision Open Space Plan, in square feet and acres.
- b. Total number of single family lots being proposed for platting.
- c. Square foot lot area of each single family lot and the total square foot lot area of all lots.
- d. Square foot area of land to be dedicated for park, recreation and/or related uses.
- e. Square foot area of land designated for roads and other uses on the plat.

5. The area shall be dedicated only for park and/or recreation purposes and shall in no instance be less than four (4) acres in area, and shall be in a location and shape approved by the Planning Commission. Said land areas shall not include as a part of the minimum land area; bodies of water, swamps, or other wetlands. The floodway fringe may be included. The plan and subsequent approval agreement between the City and the proprietor shall provide for the amount of development that is initially to take place on said common open space areas.
6. In approving the application of the Subdivision Open Space Plan technique, the Planning Commission shall be cognizant of the following objectives:
 - a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, lakes, flood plains, hills, and similar natural assets.
 - b. To encourage developers to use a more creative approach in the development of residential areas.
 - c. To encourage a more efficient, aesthetic and desirable use of open areas while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the sites.
 - d. To encourage the provision of open space in a generally central location and within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities and areas.
7. The plan for reduced lot sizes may only be permitted when mutually agreeable to the Planning Commission and the subdivider or developer.
8. Access shall be provided to areas dedicated for the common use of the subdivision to those lots not bordering on such dedicated areas by means of public streets or pedestrian access ways.

Section 15.01.3 Ownership, Improvement and Maintenance of Open Space Areas

1. Whenever the provisions of this Article are employed by a subdivider or proprietor, provision shall be made for the incorporation of a Home Owners Association. Said articles of incorporation shall provide for mandatory membership as a condition of purchasing a lot in the subdivision. The articles will also provide for a membership fee adequate to maintain all common open space areas.

2. The initial amount of development that takes place under Subsection 15.01.2(5) shall be perpetually maintained. In the event this open space is not adequately maintained, the City shall be entitled to enter upon the property and to carry out improvements as required and to make such assessments as are required to pay these costs against the owners of the dwellings located within the Planned Residential Unit Development.

SECTION 15.02 CLUSTER HOUSING

Section 15.02.1 Purpose

The purpose of Cluster Housing is to permit development that is independent of conventional platting (i.e. one lot - one house) in order to achieve greater innovation in residential housing patterns. Through this design variation, additional flexibility is made possible to enhance the preservation of natural features to more fully complement a housing development.

Section 15.02.2 Permitted Uses

Subject to the approval of the Planning Commission and pursuant to Article 13, Site Development Plan Review Provisions, and as further provided herein. The following may be permitted in any LDR and MDR residential district.

1. One family detached housing units on a lot area per dwelling unit less than that prescribed under Article 10, Schedule of Regulations.
2. One-family attached dwelling units when said dwelling units are attached as follows:
 - a. Through a common party wall which does not have over thirty percent (20%) of its area in common with an abutting dwelling unit wall.
 - b. By means of an architectural wall detail which does not form interior room space.
 - c. Through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
 - d. The maximum number of dwelling units that may in some degree be attached shall not exceed four (4) in a cluster.
3. Dwelling unit structures containing two (2) dwelling units on a lot area per dwelling unit less than that prescribed under Article 10, Schedule of Regulations.

4. Any configuration of single family attachment of not more than four (4) dwelling units, notwithstanding the provisions of Subsection 15.02.2(1), (2) and (3).

Section 15.02.3 Locational Standards

Cluster housing areas, the area of the site, and contiguous areas shall generally have the following characteristics:

1. Sites shall generally be located so that their principal frontage is on an arterial or collector street as designated on the Transportation Plan Map of the Waterfront Areas Management and City Master Plan.
2. Sites shall generally be located so that they serve as a transitional area of development, either between a major road or development of a more intensive nature and single family detached housing.
3. Those subdivided parcels of land containing major topographical relief which in the opinion of the Planning Commission if subdivided in a conventional manner, would destroy the uniqueness of the area and its natural and physical attributes. Generally, these areas shall have slopes in excess of six percent (6%) and such variation shall be frequent as opposed to infrequent.
4. Where sites are adjacent to bodies of water, the planned variation allows greater access to the water body by greater numbers of people. Where the planned variation makes it possible for greater public access to the water body, an analysis of the capacity of the water body giving its biological and hydrological characteristics shall be submitted to the Planning Commission indicating that the water quality will not be adversely affected.

Section 15.02.4 Density

Under this section the number of dwelling units per acre that could be built shall not exceed the number of dwelling units that normally could be built in the LDR and MDR residential districts, pursuant to Article 10, Schedule of Regulations.

Section 15.02.5 Spacing Requirements

The following spacing and yard requirements shall generally be applied in planned variation housing developments.

<u>Type of Structure</u>	<u>Spacing Between Structures*</u>			<u>Setback From Line*</u>	<u>Rear Yard Requirement*</u>
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>		
One Family Detached Structure	8	10	14	20	20
Two Family Detached Structure	10	12	16	25	25
Three or Four Family Clustered Structure	14	16	20	30	30

* May be varied by the Planning Commission depending upon topographical condition in relationship to exterior lot lines.

The foregoing Articles were purposefully structured to convey to the City the principal elements of a new zoning ordinance, which contains all of the essential regulatory strategy, essential to carrying out, within the boundaries of zoning regulation, the Waterfront Areas Management and City Master Plan development policy.

This is not the appropriate place to design the total text of a new zoning ordinance and what has not been addressed is not critical to the implementation of development policy. The remaining parts of a zoning ordinance primarily are those which facilitate the administration of the zoning ordinance, its interpretation, variance and enforcement procedures.

It is important that the City establishes appropriate appeals and variance procedures. Specifically, it is strongly recommended that the City Council cease to act as the Board of Zoning Appeals and that a separate Board of Zoning Appeals be established pursuant to Act 207 of the Public Acts of 1921, as amended. The reasons for this are many, but perhaps most importantly, is the question of the demand for time on the City Council. The proper conduct of a Board of Zoning Appeals acting in a quasi-judicial manner, is simply not conducive to a part of an otherwise regular City Council meeting.

Plan Development and Review Process

A plan development and review process is established for various kinds of projects. Most development plan submissions are to be handled as a function of the zoning ordinance which will delegate approval authority to the City Council, after review and recommendation from the Planning Commission. A comprehensive set of regulations addressing site plans is provided in the model zoning ordinance section of this report. The purpose of this section is to deal with development plans that require or involve direct involvement of the City, or one of its development authorities, in the execution of a specific development or marketing of a site which involves public ownership. The intent here is to recommend a set of guidelines that would be utilized by public agencies responsible for encouraging redevelopment and development opportunities, either directly or indirectly.

1. City Council or Development Authority identifies development opportunity. Generally, development plans for most likely opportunities have been identified in the Waterfront Areas Management and City Master Plan, although the plan does not exhaust all possibilities.
2. If it is apparent that the most expeditious way to achieve the City's growth management objectives is for the City to assume the initiative. Under this approach the City or responsible development authority, will attempt to work out an agreement with private property owners. The effect of the agreement will be to transfer

temporary control of the land to the City to allow the City an opportunity to secure private development interest. It is not necessary that all property owners within a defined development district agree to a subsequent sale.

3. Where a majority of the land owners within a defined development district do agree to let the City or Authority attempt to market the land for a specific development proposal, the City will proceed on the basis that some parcels of land may have to be acquired by eminent domain.
4. The City or Development Authority will prepare a development plan and declare the area a Tax Increment Financing District. A development prospectus identifying why the project area provides a reasonable opportunity for a privately financed investment opportunity will be prepared for circulation to possible investors. The prospectus would also identify special development incentives and commitments from the City to improve market and operating conditions.
5. Should an acceptable development proposal be obtained from private interests, an appropriate agreement will be made between the City Council or Authority and the private party. Based on this agreement, the City or Authority will proceed to acquire title to the required land area, under the best terms possible, including purchase conditioned on project start. Title will then presumably be transferred to the developer at cost or the costs may be written down if appropriate financial assistance from some other source is available. The City Council presumably will be required to provide the seed money for this activity. The seed money will be repayed following the sale of the property to another private party. Initial seed money will be in the amount normally required by an option agreement which is minimal. It may further be appropriate to utilize recaptured funds from any subsequent Community Development Block Grant or Urban Development Action Grant for this purpose.
6. The City of Charlevoix Design Review Board previously recommended, will conduct a study of all development proposals which involve the direct participation of the City Council or Development Authority in the sponsoring, or otherwise facilitating private development projects. The purpose of this review may involve selecting the best proposal where there are more than one, or assisting in negotiating components of a plan which will best compliment Citywide development policy.
7. Once the development proposal is firm and development is ready to begin, the development site plan will require ultimate approval of the City Council, following a recommendation from the Planning Commission, as required for all projects. This review and approval,

however, is expected to be perfunctory and will be made pursuant to provisions in the zoning ordinance.

Additional review standards are included herein and will be subsequently included in an appropriate ordinance or administrative procedures guidelines.

Authorities that are expected to utilize these guidelines include the Downtown Development Authority, Tax Increment Financing Authority, Housing Commission, and/or Economic Development Corporation.

Advertising Sign Regulations and Standards

The City of Charelvoix only recently adopted a new comprehensive sign ordinance. Enactment of this ordinance was not without substantial community debate. The extent to which the provisions of this ordinance should be revised to better respond to the development emphasis within the Waterfront Areas Management and City Master Plan is described as follows.

A review of the City's sign ordinance suggests that no major revisions are necessary to further compliment the implementation objectives of the Waterfront Areas Management and City Master Plan. In the event a more detailed renewal plan is prepared for the downtown area which includes a specific architectural and street beautification theme, then at that time, it may be necessary to amend the sign ordinance to carry out the recommendations of that plan. Existing signs not in conformity with the sign ordinance should be removed as quickly as possible.

Screening and Landscaping

Screening -- Screening otherwise unpleasant or distractive views is an important aspect of regulatory measures aimed at raising the environmental perception of a community. To a greater extent than ever, it is now possible to screen from public views many conditions that people find unattractive. This is because of the ability to impose screening requirements in zoning regulations. Previous zoning recommendations contain extensive recommendations for guiding the Planning Commission in dealing with a site plan application. All development to occur in the City is made subject to site plan approval, except for single family housing. The zoning ordinance is not the appropriate instrument for including development specifications which will produce more visually delightful development and which will screen site uses which may be otherwise unattractive. Therefore, the purpose of these development standards is to propose standards for screening and landscaping that may be included in a specific ordinance or officially adopted policy review guidelines by the Planning Commission.

Specific screening requirements should be applied to the following situations:

1. All parking lots serving other than single family housing.

It will be particularly important to screen the large parking areas proposed to accommodate expansion of the downtown business area and to facilitate tourists.

2. Boundary lines between residential and non-residential uses should desirably be intensively screened.

Not only does such a screen offer visual enjoyment but it also serves to reduce noise levels and prevent air quality degradation. A landscaped screen is preferred over a fence.

3. Commercial refuse canisters or dumpsters should be screened from public views.

Fencing and plant materials should be high enough at the beginning to screen the garbage or refuse receptacle. Fencing materials could be wood or masonry but they should preferably be painted.

4. Outside storage in connection with industrial and commercial properties should also be screened from public views.

The height of screening materials should anticipate the height of intended stored materials.

5. Screening of otherwise unattractive buildings is recommended.

Particularly due to topographical features, the walls of buildings may be very visible to street and pedestrian traffic. It is not always possible to resort to architecturally attractive facades for all building faces. Where an otherwise bland building face is visually prominent, by virtue of it occupying a high parcel of ground relative to surrounding property, said wall should be preferably screened by appropriate vegetation.

Landscaping -- A special effort should be made by both the public and private sectors to landscape as much City space as possible. Nothing will contribute to "city beautification" more than landscaping. Most of the discussion relative to screening has landscaping benefits. A review of the Downtown Development Plan in particular, proposes an extensive landscaping effort in this area. Individual development plans also suggest the level of landscaping improvements expected by private sector projects.

Specific recommendations include the following:

1. Parking lots containing spaces for more than twenty (20) cars should preferably have some interior landscaping so as to break up the expanse of parking. A ratio of fifteen (15) square feet of interior landscaping per one (1) parking space, excluding landscaping of the required screened areas and landscaped areas abutting a public right-of-way, is recommended.

2. Parking lots should be provided with curb stops where it is apparent that a fence or landscaping material may be damaged.
3. The required setback areas, exclusive of driveways, should be suitably landscaped. When adjacent to a building, the landscape material should generally consist of low profile plant material in planter boxes, benches or other ground cover materials including decorative brick pavers. Low maintenance plant material should be selected for these areas. Juniper and Cotoneaster ground cover, Hawthorne trees, and small flowering trees can be effectively used. Within the public space it is expected that large canopy shade trees will be planted, together with a street furniture and lighting coordinated theme.
4. Commercial vehicular use areas (non-parking areas) should have two (2) square feet of landscaped area for each one-hundred (100) square feet or fraction thereof of paved area for the first fifty thousand (50,000) square feet, plus one (1) square foot of landscaped area for each one hundred (100) square feet or fraction thereof of paved area over fifty thousand (50,000) square feet.

Suggested Plant Materials

Small Trees	- Hawthorn Russian Olive	
Medium Trees	- Green Ash Little-leaf Linden	(Not recommended for front of buildings)
Large Trees	- Norway Maple Thornless Honeylocust	(Not recommended for front of buildings)
Shrubs	- Berberis Thunbergii and Varieties Juniper Chinensis Varieties Pyracantha Coccinea Taxus Species and Varieties	
Ground Cover	- Myrtle Paschisandra Wintercreeper	
Vines	- Boston Ivy English Ivy Wintercreeper	

Trees Not Permitted (Existing trees excluded)

Box Elder
Soft Maples (red, silver)
Elms
Poplars
Willows
Horse Chestnut (nut bearing)
Tree of Heaven
Catalpa

5. Minimum Requirements for Plant Materials -- Trees should not be less than ten (10) feet in height or a minimum caliper of 1 3/4 inches immediately after planting.

Shrubs shall be a minimum of two (2) feet in height, or spread if plants are low growing evergreens, when measured immediately after planting. Hedges, where provided, should be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of two (2) years after time of planting.

Ground covers used in lieu of grass in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonable complete coverage after one (1) complete growing season.

Vines shall be a minimum of thirty (30) inches in length after one (1) growing season.

Lawn grass areas shall be planted in species normally grown as permanent lawns. If lawn establishment is not possible within a reasonable time period, temporary seeding shall be provided for immediate effect and protection until permanent coverage is otherwise achieved.

6. Plant Material Spacing -- Whenever a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required, shall be provided.

- a. Plant Material Spacing - When plant materials are placed in two or more rows, plantings shall be staggered in rows.
- b. Shrubs shall be planted not more than four (4) feet on center, and shall not be less than two (2) feet in height.

7. Exterior Lighting --

- a. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- b. All outdoor lighting shall be directed towards and confined to the ground areas of lawns or parking lots.
- c. All lighting in the Downtown Development District area used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or said adjacent properties.
- d. Exterior lighting fixtures and light quality should be coordinated with the lighting provided in the public infrastructure work by the design review committee (sodium vapor source), following implementation of the Downtown Development Plan.

Building Design Coordination

This work was not funded to include the comprehensive development of building design standards that may have evolved from a facade study and possible adoption of an architectural theme. Nevertheless, there are broad standards that can be applied to building design considerations which are independent of an architectural theme. This does not suggest that it would be inappropriate for the Downtown Development Authority to engage a professional to develop such an architectural theme. To the contrary, it may not be in the best interest of revitalization and renewal goals to insist on compliance with an overall architectural facade theme. This is particularly true for the downtown area. A facade theme is not necessarily the most effective way to achieve environmental improvement, nor is the marketing strategy essential to the stability of an expanded downtown area. Extreme variations in architectural responses to new building and remodelling efforts are also not necessarily advisable. An appropriate intermediate position is necessary. The only way to determine this would be to engage someone to develop a set of specific building design standards by individual block faces in the Downtown Development District.

The purpose of the following standards is to serve as a guideline to property owners for developing compatible architectural identity within the Downtown Development District. It is not intended that these building standards act to stifle creativity or individual design solutions; but only that they serve as a framework which will permit personal identity while creating a semblance of unity throughout the area.

The Downtown Development Plan indicates a departure from conventional storefront treatment, in that parking is positioned at the side and/or rear of buildings. This suggests new entrance positions and requires owners to seriously consider the total appearance of their properties. The traditional service-alley side offers new marketing opportunities which must be addressed. Combined service/public entrances from the new parking areas will require dedicated and creative effort, which will upgrade the business properties.

Recognizing that individual capital improvement capabilities vary, these building standards have been developed to allow a range of investment options on the part of property owners. However, to provide a sense of order and continuity about improvements, it is suggested that a singular option be employed at attached properties (i.e. buildings within each block face). This will require a consensus among owners, but it will insure the highest degree of expression, material and color harmony on the larger block face.

Along with suggested options, the following design criteria represent items deemed significant to control by standards for the purpose of unifying the building appearances in the Downtown Development District:

Option A - Minimal Improvement

- a. Site improvements in accordance with proposed Master Plan and General Development Standards.
- b. Repair substandard building elements.
- c. Paint exterior per standards.
- d. New graphics and signage per standards.

Option B - Remodeling

- a. Site improvements per standards.
- b. New windows and/or entrances per standards.
- c. New awnings or canopy per standards.
- d. New design expression per standards.
- e. New colors and materials per standards.
- f. New graphics and signage per standards.

Option C - New Construction

- a. Site improvements per standards.
- b. Design expression per standards.
- c. Colors and materials per standards.
- d. Graphics and signage per standards.

Color

The feature use of color in buildings can be the single most important element in the effort to create design harmony within the Downtown Development District. Building colors should be selected to compliment and reinforce colors of landscape foliage, redish-brown brick pavers, natural weathered wood signage and benches, and dark brown or bronze metal supports.

The Downtown Development Authority should engage someone to develop the most appropriate color combination to achieve block face compatibility between buildings.

Building Facades and Design Appurtenances

For purposes of further unifying the building design elements, certain typical features are herein identified for standardization. Their use in new construction and remodeling work is important in establishing the overall design character of the area. It is also important that certain minimal repairs and improvements be made to existing structures in order to create a fresh new appearance.

Building Facades -- All exposed structural and decorative components of building facades abutting streets, plazas and parking areas should be repaired, replaced or constructed to provide a uniform and compatible expression with the long range development plan and the design appurtenances herein described.

Windows --

1. Windows not in the front of buildings should be kept properly repaired or, with Fire Department approval, may be closed, in which case sills, lintels and frames should be removed and the openings properly closed to match the material design and finish of the adjacent wall.
2. All windows should be tight fitting and have sash of proper size and design. Sash with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows should be replaced with glass, plexiglass or lexan. All exposed wood should be repaired and painted.

3. Window openings in upper floors at the front of buildings should not be filled or boarded up. Windows in unused areas of the upper floors may be backed by a solid surface on the inside of the glass, providing that the backing is painted in a manner that is compatible with the exterior facade of the building. Window panes should not be painted.

Adjoining Buildings -- Contiguous buildings, regardless of ownership, should be constructed or rehabilitated in a uniform and harmonious manner. Each group of adjoining buildings and/or block face should be treated as a design theme within itself. Designers are encouraged to select colors, materials, and/or expressions from existing buildings and weigh them against standard recommendations. If they stand the test, their application may be expanded to the larger block face as a unifying element.

Refinishing Facing Materials -- All exterior walls which have not been wholly or partially resurfaced or built over, should be repaired and cleaned or painted in an acceptable manner. Brick walls should be painted where necessary. Painted masonry walls should have loose materials removed and be repainted. Patched walls should match the existing adjacent surfaces as to materials, color, bond and joining.

Miscellaneous Building Elements -- Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., should be eliminated.

Gutters -- Sheet metal gutters and downspouts should be repaired or replaced as necessary, and should be neatly located and securely installed. Gutters and downspouts should be painted to harmonize with the other building facade colors.

Rear and Side Walls -- Rear and side walls should be repaired and painted to present a neat and fresh appearance. Rear walls should be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface. Secondary entrances and service elements should be employed in such a manner as to encourage public access directly from rear parking lots.

Side walls, where visible from any of the streets or plazas, should be finished or painted to harmonize with the building front.

Chimneys and Penthouses -- Chimneys, penthouses or other auxiliary structures on the roofs, should be repaired and cleaned as required for rear and side walls. Any construction visible from the street, plaza parking lot, or from other buildings, should be finished so as to be harmonious with other visible building walls.

Mechanical Equipment -- Any mechanical equipment placed on a roof should be so located as to be hidden from view of the public areas, and to be inconspicuous as possible from other viewpoints. Equipment should be screened with suitable elements of a permanent nature or finished so as to harmonize with the rest of the building. Where such screening is unfeasible, equipment should be installed in a neat, presentable manner and should be painted in such a way so as to minimize its visibility.

Antennae -- Television and radio antennae should be located so as to be inconspicuous.

Auxiliary Structures -- Substandard attached or detached secondary structures should be repaired in accordance with these standards or demolished.

FINANCIAL TOOLS AND PUBLIC ADMINISTRATION STRATEGY

INTRODUCTION

The purpose of this section is to estimate the potential costs of implementing various aspects of the Plan, calling for supporting and complimentary public improvements. This section is also intended to analyze potential funding sources, including special taxation techniques. Project priorities will then be developed taking into account funding possibilities and the greatest likelihood of a favorable response from private sector investors. Finally, this section will recommend the establishment of appropriate administrative techniques for improving the chances of Plan implementation.

RECOMMENDED FINANCING STRATEGIES FOR REQUIRED CAPITAL IMPROVEMENTS

The most likely prospects for implementing the most capital intensive recommendation in the Waterfront Areas Management and City Master Plan would appear to depend on the use of special taxing powers granted by the State of Michigan. The Downtown Area and associated waterfront improvements will have to depend on tax increment financing and the application of recaptured funds from possible grant/loan programs such as the Small Cities Community Development Block Grant and the Urban Development Action Grant programs. It is unlikely that the City of Charlevoix will agree to a special area improvement millage or special assessment levies to fund improvements in the downtown area. Special assessment programs may be appropriate financial techniques to make relatively minor infrastructure adjustments necessary to accommodate planned developments in other areas of the City of Charlevoix.

Inasmuch as major public financing requirements are demanded of the Downtown Master Plan and for the proposed Industrial Park in the northeast portion of the City, a financing strategy is recommended for these two major projects. All of the other areas identified as having substantial development potential require primarily private investment. Public infrastructure relationships can be satisfied through either general fund or special assessment techniques.

Master Development Plan - Downtown Area

The estimated costs of total public improvements are expected to be approximately 2.5 million dollars, depending upon the ultimate costs of property acquisition to facilitate construction of parking lots. Total costs will also vary depending upon the extent to which parking is publicly provided versus privately provided. The top range of the estimate indicates that all off-street parking will become a public responsibility. This cost estimate includes all recommended improvements with respect to the waterfront segment lying between Bridge Street and Round Lake (i.e. East Park enlargement and improvements).

The magnitude of this proposal rules out any likelihood that the total improvement program can be accomplished in one phase. Accordingly, the downtown area

was divided into development segments. These are illustrated on the Downtown Development Master Plan, illustrated as follows. The estimated cost of each segment is as follows:

Area A Recommended Improvements and Estimated Cost --	\$655,065.00
Area B Recommended Improvements and Estimated Cost --	461,255.00
Area C Recommended Improvements and Estimated Cost --	242,565.00
Area D Recommended Improvements and Estimated Cost --	289,555.00
Area E Recommended Improvements and Estimated Cost --	327,900.00
Area F Recommended Improvements and Estimated Cost --	<u>203,607.00</u>

Sub-Total:	\$2,179,745.00
Estimated Property Acquisition For Parking:	<u>320,255.00</u>

Total Cost: \$2,500,000.00

An itemized breakdown of these costs is provided in the appendix to this report.

Recommended Implementation Timing and Phases -- Because the program is so capital intensive and financing resources are essentially limited to tax increment financing, which in turn is dependent upon private development immediately occurring in the tax increment financing district, the following is recommended.

The improvement which should have the most dramatic effect on environmental conditions in the downtown area are those proposed for Bridge Street and which are described as Phase B on the map. Concurrent development of Phase B and Phase D would provide a further catalyst for encouraging private development so essential to a tax increment financing scheme. Therefore, it is recommended that Phases B and D be implemented simultaneously, but only after a private commitment is made to implement the recommended new building space shown in Phase D. To insure a large enough tax increment financing base, a tax increment financing district should be designated which includes the entire land area in the Charlevoix Downtown Development District.

Should subsequent phases be determined to be feasible, the tax increment financing plan can be amended to accommodate additional phases. The timing of subsequent phases could only be considered at the time captured taxes begin to exceed debt retirement obligations.

Estimated Cost of Phases B & D (Including provision for capitalized interest):	\$1,000,000.00
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Estimated Annual Debt Retirement-15 years @ 12.5%:	151,830.00
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Estimated Cost of New Construction Required to Capture Taxes Equivalent to Bond Payment, Based on 46 mills:	6,500,000.00
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In reality, a lesser amount of new construction will make the project feasible because the amount of captured taxes is affected by inflation. A portion of captured taxes will result from inflation. The City would be well advised to proceed with Phases B and D upon assurance of new projects valued at approximately five million dollars. By capitalizing the interest in the first two or three years (i.e. borrowing in excess of project cost), a lesser size project would still allow sufficient revenues to meet bond payments. Nevertheless, the City should not proceed to develop Phases B and D unless it is guaranteed that private enterprise projects valued at five million dollars will simultaneously occur. Therefore, the timing of any implementation phase will coincide with private sector assurances of substantial new development.

The City of Charlevoix should be awarded both an Urban Development Action Grant and a Small Cities Community Development Block Grant based on a private renewal project in the Downtown Development District. The recapture of the grants after a loan to the private sector could also be applied if necessary to debt retirement for the Phase B and Phase D public improvements.

If the City were to take the position that it would implement Phases B and D public improvements concurrently with a large private sector investment tied to UDAG and CDBG loans and a tax increment financing plan, it should be more than assured of its ability to pay off the tax increment financing bonds. Any other approach would appear to place an undue risk on the City of Charlevoix.

Industrial Park

The Growth Management Strategy outlined in the Waterfront Areas Management and City Master Plan call for substantial industrial development that likely will only be achieved if the City of Charlevoix takes an active position to make marketable properties available for industrial development.

The City presently owns some twenty-eight (28) acres of land east of Mercer Boulevard and north of Petoskey Avenue. A cooperative effort with Charlevoix Township could result in a substantially larger area for industrial development. Optimally, the entire area bounded by Mercer Boulevard, Waller and Martin Roads and Petoskey Avenue (U.S. 31) should be developed as a State approved Industrial Park. At the present time sanitary sewers and water mains are not available to the land in this area and the existing interior streets are gravel surfaced with inadequate drainage. Under these conditions the lots are not attractive as industrial sites and the area does not qualify for designation as an approved industrial park. Designation is important because the State Department of Commerce assists local units in marketing land in approved industrial parks.

Presently, several existing local industries have indicated a desire to locate in the proposed industrial park. The City of Charlevoix commissioned an

engineering study to develop a Facilities Plan. This Plan included road improvements for the land presently owned by the City and what improvements were needed to install essential services on existing streets leading to the area.

Total costs for infrastructure to and into streets serving proposed industrial properties is estimated to cost \$372,000.00. A cost and funding strategy was recommended as follows:

UTILITIES FINANCING CHARLEVOIX INDUSTRIAL PARK			
	PHASE I	PHASE II	TOTAL
<u>Funding:</u>			
UDAG	\$180,000		\$180,000
Small Cities	90,000		90,000
Chx. Mfg. (Lot Sale)	10,000		10,000
Lexalite (Lot Sale)	20,000		20,000
City Sewer		\$22,000	22,000
City Water		30,000	30,000
Future Lot Sales		20,000	20,000
Total:	\$300,000	\$72,000	\$372,000
<u>Costs:</u>			
Sewers	\$ 65,000	\$20,000	\$ 85,000
Lift Station	50,000		50,000
Water	35,000	28,000	63,000
Paving	100,000	16,000	116,000
Engineering & Contengencies	50,000	8,000	58,000
Total:	\$300,000	\$72,000	\$372,000

Should the City not be successful in obtaining a UDAG and CDBG, it is recommended that the industrial park be financed by the sale of special assessment bonds. This would require the City to pay annual assessments, inasmuch as it will be the owner of property until the lots are sold. The subsequent sales price could reflect accumulated special assessments plus interest. The City, in effect, would be paying itself back.

Other Recommended Improvements

The Waterfront Areas Management and City Master Plan recommended a number of areas adjacent to the waterfront where redevelopment opportunities were believed to be very good. With the exception of the downtown area and related waterfront, major public infrastructure improvements are not required. The one action to acquire the C and O Railway line and to relocate the south portion of Ferry Road to the existing C and O Railway line is illustrated in the Major Road Plan section of the Waterfront Areas Management and City Master Plan. In the event improvements are necessary to public infrastructure to more effectively accommodate private redevelopment, these costs should be considered part of the project cost and should be borne by the private developer. In regards to the C and O Railway line, the City should immediately begin the process of acquiring this land. At this time, there is no way of evaluating this acquisition cost. In those instances where the acquired land would be added to existing recreation land (as in the case of Depot and Ferry Beaches), this acquisition cost could be paid in part from a grant from the federal recreation land acquisition program. (Heritage Conservation and Recreation Service.)

SUMMARY FINANCING STRATEGY FOR RECOMMENDED MAJOR IMPROVEMENTS

The following table describes, in summary fashion, the major improvement strategies recommended in the Waterfront Areas Management and City Master Plan.

TABLE

RECOMMENDED DEVELOPMENT PROJECTS, BOTH PUBLIC AND PRIVATE, AND IMPLEMENTATION STRATEGIES

Project Description	Estimated Costs	Source of Public Funds	Source of Private Funds	Tax Incentives And/ Or Institutional Ass't.	Priority	Year
Downtown Area/Phase B (Bridge St. Mall)	\$ 461,255	Tax Increment Financing(TIF) UDAG and CDBG Recaptured Loans	N/A	DDA Approved Bonds for TIF	1	1983
Downtown Area/Phase D	450,000	TIF, UDAG and CDBG Recaptured Loans - Parking Revenues	EDC Bonds, UDAG and CDBG Loans & Conventional Mich. Econ. Dev. Authority(MEDA)	EDC Approved Bonds Partial Tax Abatement DDA Approvals for TIF	1	1983
Northeast Industrial Park	372,000	Special Assessments UDAG, CDBG, Income From Lot Sales, TIF Possible	EDC Bonds, UDAG & CDBG Loans MEDA	EDC Approved Bonds Act 450 TIF, Partial Tax Abatement Below Market Rates For Land Sales	1	1983
Improvements to City Water System	1,500,000	Earmarked Millage/User Fees, Revenue Bonds	N/A	N/A	1	1983
Downtown Area/Phase A	655,065	Coastal Zone Manag't Grant Heritage Conservation and Recreation Service Grant TIF & Recaptured CDBG and UDAG Loans	N/A	N/A	2	1985
Downtown Area/Phase F	203,607	Coastal Zone Manag't Grant HCRS, TIF, CDBG & UDAG Recaptured Loans	N/A	N/A	3	1986
Downtown Area/ Phases C & E	750,000	TIF and Special Assessments	EDC Bonds, Federal State Economic Development Loans	EDC Approved Bonds, DDA Approvals for TIF, Tax Abatement	4	1987
All Other Areas Identified as Having Develop. Potential & Master Planned		Minimal Application, limited to minor infrastructure adjustments	Conventional Econ. Develop. Bonds, Fed'l. & State Grant/Loan Programs	Partial Tax Abatement, DDA & EDC Assistance		Indeterminate



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